

2017

DIGEST OF BILLS

**Enacted by The Seventy-first General Assembly
First Regular Session**



Colorado River, Glenwood Canyon, east of the Shoshone dam

The Grand River, as it was known, was officially named the Colorado River by the Colorado General Assembly, on March 24, 1921. (See L. 1921, p. 162.) Earlier in Colorado's history, the river was known as the Red River due to the particles of red silt carried in its waters. As various dams were built along the river, the colored silt was trapped behind the dams and the river stopped looking red. Most of the major dams along the Colorado River basin were built between 1910 and 1970. (to learn more about the Colorado River, see the reverse side of this page)

Prepared by the Office of Legislative Legal Services

June 2017

Colorado River tidbits

The Colorado River is 1450 miles in length, and flows through Colorado, Utah, Arizona, Nevada, and California and then on into the Mexican states of Baja California and Sonora. The river's headwaters begin in the valley of La Poudre Pass in Colorado and flows into the Sea of Cortez.

In 1540 Francisco Vasquez de Coronado began an expedition for a fabled city made of gold. This expedition led some of his men to the Colorado River. A man named Melchior Diaz named the river Rio del Tizon, which stuck until almost 200 years later when it was called the Red Colorado. Colorado is the Spanish word for red.

The first extensive exploration of the Colorado River did not occur until the 1870s. John Wesley Powell was the head of this expedition.

The Colorado River supplies water to more than 25 million people. It is also responsible for irrigating 3.5 million acres of farmland.

There are eleven U.S. national parks along the Colorado River, one of which is one of the seven natural wonders of the world, the Grand Canyon.

The Colorado River has an average depth of about 20 feet. Although, it is nearly 100 feet deep in places. The water of the river used to reach 80 degrees F, but due to the dams built along its length, it is now very cold all year around staying at about 42 degrees F. With the change in temperature many of the fish that once lived in the Colorado River can no longer thrive in the river's waters.

The river was nicknamed the River of Law because of all the legal disputes that have involved the flow of the river and its water over the years. It is now one of the most highly controlled rivers in the world.

Estimates suggest that the Colorado River is at least 5 million years old, and the Paleo Indians settled along the river's banks approximately 12,000 years ago.



Colorado River, Glenwood Canyon, west of the Shoshone dam

DIGEST

SENATE AND HOUSE BILLS ENACTED BY THE SEVENTY-FIRST GENERAL ASSEMBLY OF THE STATE OF COLORADO

(2017 First Regular Session)

NOTE: Electronic versions of current and past Digest of Bills are available on the Official Colorado State Legislative Home Page at: **leg.colorado.gov**

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-first General Assembly at its First Regular Session ending May 10, 2017. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages ix and x.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2017 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of June 30 and later, see the listings beginning on page xi.

10. The general assembly adjourned sine die on the 120th legislative day, May 10, 2017. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Tuesday, August 8, 2017. The effective date for such bills is therefore 12:01 a.m., on Wednesday, August 9, 2017, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Tuesday, August 8, 2017.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2017.

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LEGISLATIVE STATISTICAL SUMMARY

	2017		2016		2015	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	375	235	468	261	392	193
Senate Bills	306	188	217	126	290	174
Concurrent Resolutions	3	1	9	2	6	0
Bills signed by Governor	418		383		360	
Bills becoming law without Governor's signature	3		2		4	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	2		2		3	
Bills referred to the People/Ballot questions	0		0		1	

BILLS VETOED BY THE GOVERNOR:

S.B. 17-111 S.B. 17-139

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 17-1367 S.B. 17-012 S.B. 17-019

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted *without a Safety Clause**:

HOUSE BILLS

H.B. 17-1002	H.B. 17-1054	H.B. 17-1125	H.B. 17-1186	H.B. 17-1238	H.B. 17-1277
H.B. 17-1003	H.B. 17-1055	H.B. 17-1135	H.B. 17-1188	H.B. 17-1239	H.B. 17-1282
H.B. 17-1005	H.B. 17-1059	H.B. 17-1137	H.B. 17-1190	H.B. 17-1240	H.B. 17-1288
H.B. 17-1008	H.B. 17-1065	H.B. 17-1138	H.B. 17-1194	H.B. 17-1241	H.B. 17-1291
H.B. 17-1010	H.B. 17-1067	H.B. 17-1140	H.B. 17-1196	H.B. 17-1243	H.B. 17-1293
H.B. 17-1014	H.B. 17-1071	H.B. 17-1142	H.B. 17-1197	H.B. 17-1244	H.B. 17-1297
H.B. 17-1015	H.B. 17-1074	H.B. 17-1143	H.B. 17-1198	H.B. 17-1245	H.B. 17-1301
H.B. 17-1016	H.B. 17-1076	H.B. 17-1144	H.B. 17-1200	H.B. 17-1249	H.B. 17-1303
H.B. 17-1017	H.B. 17-1077	H.B. 17-1145	H.B. 17-1205	H.B. 17-1250	H.B. 17-1308
H.B. 17-1018	H.B. 17-1081	H.B. 17-1147	H.B. 17-1208	H.B. 17-1251	H.B. 17-1313
H.B. 17-1020	H.B. 17-1088	H.B. 17-1149	H.B. 17-1209	H.B. 17-1252	H.B. 17-1315
H.B. 17-1024	H.B. 17-1090	H.B. 17-1150	H.B. 17-1212	H.B. 17-1255	H.B. 17-1317
H.B. 17-1025	H.B. 17-1092	H.B. 17-1151	H.B. 17-1213	H.B. 17-1257	H.B. 17-1322
H.B. 17-1027	H.B. 17-1093	H.B. 17-1152	H.B. 17-1215	H.B. 17-1258	H.B. 17-1326
H.B. 17-1030	H.B. 17-1096	H.B. 17-1155	H.B. 17-1217	H.B. 17-1263	H.B. 17-1330
H.B. 17-1039	H.B. 17-1101	H.B. 17-1158	H.B. 17-1218	H.B. 17-1265	H.B. 17-1332
H.B. 17-1040	H.B. 17-1103	H.B. 17-1162	H.B. 17-1219	H.B. 17-1266	H.B. 17-1338
H.B. 17-1041	H.B. 17-1104	H.B. 17-1172	H.B. 17-1220	H.B. 17-1267	H.B. 17-1354
H.B. 17-1047	H.B. 17-1106	H.B. 17-1174	H.B. 17-1222	H.B. 17-1269	H.B. 17-1355
H.B. 17-1048	H.B. 17-1107	H.B. 17-1177	H.B. 17-1223	H.B. 17-1271	H.B. 17-1360
H.B. 17-1049	H.B. 17-1110	H.B. 17-1179	H.B. 17-1227	H.B. 17-1272	H.B. 17-1363
H.B. 17-1050	H.B. 17-1115	H.B. 17-1184	H.B. 17-1229	H.B. 17-1274	H.B. 17-1365
H.B. 17-1051	H.B. 17-1116	H.B. 17-1185	H.B. 17-1231	H.B. 17-1276	H.B. 17-1367
H.B. 17-1052	H.B. 17-1120				

SENATE BILLS

S.B. 17-008	S.B. 17-044	S.B. 17-106	S.B. 17-154	S.B. 17-223	S.B. 17-251
S.B. 17-012	S.B. 17-046	S.B. 17-108	S.B. 17-177	S.B. 17-224	S.B. 17-252
S.B. 17-013	S.B. 17-048	S.B. 17-109	S.B. 17-178	S.B. 17-225	S.B. 17-268
S.B. 17-015	S.B. 17-051	S.B. 17-110	S.B. 17-179	S.B. 17-226	S.B. 17-269
S.B. 17-016	S.B. 17-052	S.B. 17-111-v	S.B. 17-180	S.B. 17-227	S.B. 17-271
S.B. 17-018	S.B. 17-058	S.B. 17-121	S.B. 17-187	S.B. 17-228	S.B. 17-272
S.B. 17-019	S.B. 17-062	S.B. 17-122	S.B. 17-189	S.B. 17-229	S.B. 17-274
S.B. 17-026	S.B. 17-065	S.B. 17-123	S.B. 17-190	S.B. 17-231	S.B. 17-286
S.B. 17-028	S.B. 17-068	S.B. 17-124	S.B. 17-192	S.B. 17-233	S.B. 17-292
S.B. 17-030	S.B. 17-073	S.B. 17-126	S.B. 17-201	S.B. 17-234	S.B. 17-295
S.B. 17-031	S.B. 17-076	S.B. 17-127	S.B. 17-203	S.B. 17-236	S.B. 17-298
S.B. 17-033	S.B. 17-077	S.B. 17-129	S.B. 17-207	S.B. 17-239	S.B. 17-299
S.B. 17-034	S.B. 17-088	S.B. 17-132	S.B. 17-209	S.B. 17-244	S.B. 17-300
S.B. 17-036	S.B. 17-090	S.B. 17-134	S.B. 17-211	S.B. 17-245	S.B. 17-304
S.B. 17-040	S.B. 17-097	S.B. 17-140	S.B. 17-213	S.B. 17-247	S.B. 17-305
S.B. 17-041	S.B. 17-100	S.B. 17-152	S.B. 17-222		

* These bills become effective on August 9, 2017, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest. (v - vetoed)

Bills enacted and recommended by Statutory and Interim Committees:

Capital Development Committee:				
H.B. 17-1144	H.B. 17-1317			
Colorado Commission on Uniform State Laws:				
S.B. 17-132	S.B. 17-154			
Colorado Health Insurance Exchange Oversight Committee:				
none				
Committee on Legal Services:				
H.B. 17-1006	H.B. 17-1241	S.B. 17-083	S.B. 17-226	
H.B. 17-1073	H.B. 17-1243	S.B. 17-222	S.B. 17-227	
H.B. 17-1238	H.B. 17-1244	S.B. 17-223	S.B. 17-228	
H.B. 17-1239	H.B. 17-1245	S.B. 17-224	S.B. 17-293	
H.B. 17-1240		S.B. 17-225	S.B. 17-294	
Executive Committee of the Legislative Council:				
S.B. 17-230				
Interim Study Committee on Communication between HCPF and Medicaid Clients:				
H.B. 17-1126	H.B. 17-1143	S.B. 17-121		
Interim Study Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado:				
H.B. 17-1221	S.B. 17-015	S.B. 17-017	S.B. 17-025	
Joint Budget Committee (other than supplementals):				
H.B. 17-1292	S.B. 17-173	S.B. 17-256	S.B. 17-261	S.B. 17-266
H.B. 17-1295	S.B. 17-174	S.B. 17-257	S.B. 17-262	S.B. 17-292
H.B. 17-1298	S.B. 17-175	S.B. 17-258	S.B. 17-263	S.B. 17-295
H.B. 17-1343	S.B. 17-176	S.B. 17-259	S.B. 17-264	S.B. 17-297
H.B. 17-1353	S.B. 17-255	S.B. 17-260	S.B. 17-265	
H.B. 17-1361				
Joint Technology Committee:				
S.B. 17-239	S.B. 17-304			
v - vetoed				

Bills enacted and recommended by Statutory and Interim Committees:
(cont.)

Legislative Audit Committee:				
H.B. 17-1125 H.B. 17-1131	H.B. 17-1217 H.B. 17-1223	H.B. 17-1296	S.B. 17-016	
Police Officers' and Firefighters' Pension Reform Commission:				
S.B. 17-013	S.B. 17-020			
School Safety and Youth in Crisis Committee:				
none				
Statutory Revision Committee:				
H.B. 17-1005 H.B. 17-1024 H.B. 17-1025 H.B. 17-1047 H.B. 17-1058 H.B. 17-1059	H.B. 17-1060 H.B. 17-1067 H.B. 17-1074 H.B. 17-1133 H.B. 17-1137	H.B. 17-1251 H.B. 17-1255 H.B. 17-1257 H.B. 17-1267 H.B. 17-1272	S.B. 17-018 S.B. 17-031 S.B. 17-044 S.B. 17-046 S.B. 17-052 S.B. 17-056	S.B. 17-124 S.B. 17-231 S.B. 17-233 S.B. 17-234 S.B. 17-241
Transportation Legislation Review Committee:				
H.B. 17-1044	H.B. 17-1061			
Treatment of Persons with Mental Illness in the Criminal Justice System:				
H.B. 17-1020	S.B. 17-012	S.B. 17-019	S.B. 17-021	
Water Resources Review Committee:				
H.B. 17-1008	H.B. 17-1030	HJR 17-1004	S.B. 17-026	
Wildfire Matters Review Committee:				
SJM 17-001	SJR 17-002			
Sunset Review Process:				
S.B. 17-106 S.B. 17-108 S.B. 17-137 S.B. 17-144	S.B. 17-148 S.B. 17-201 S.B. 17-212 S.B. 17-215	S.B. 17-216 S.B. 17-217 S.B. 17-218 S.B. 17-219	S.B. 17-220 S.B. 17-221 S.B. 17-232 S.B. 17-236	S.B. 17-240 S.B. 17-243 S.B. 17-249 S.B. 17-291
v - vetoed				

Acts with June 30, 2017, and later effective dates:

June 30, 2017:			
S.B. 17-215			

July 1, 2017			
HOUSE BILLS			
H.B. 17-1011 H.B. 17-1078 H.B. 17-1119	H.B. 17-1173 H.B. 17-1193 H.B. 17-1221	H.B. 17-1253 H.B. 17-1285*	H.B. 17-1295 H.B. 17-1304
SENATE BILLS			
S.B. 17-024 S.B. 17-050	S.B. 17-153* S.B. 17-183	S.B. 17-240 S.B. 17-243*	S.B. 17-267* S.B. 17-294*
v - vetoed * - portions only			

Acts with June 30, 2017, and later effective dates: (cont.)

August 9, 2017					
HOUSE BILLS					
H.B. 17-1002	H.B. 17-1052	H.B. 17-1116	H.B. 17-1184	H.B. 17-1240	H.B. 17-1282
H.B. 17-1003	H.B. 17-1054	H.B. 17-1120	H.B. 17-1188	H.B. 17-1241	H.B. 17-1288
H.B. 17-1005	H.B. 17-1055	H.B. 17-1125	H.B. 17-1190	H.B. 17-1243	H.B. 17-1291
H.B. 17-1008	H.B. 17-1059	H.B. 17-1135	H.B. 17-1194	H.B. 17-1244	H.B. 17-1293
H.B. 17-1010	H.B. 17-1065	H.B. 17-1137	H.B. 17-1196	H.B. 17-1245	H.B. 17-1297
H.B. 17-1014	H.B. 17-1067	H.B. 17-1138	H.B. 17-1197	H.B. 17-1249	H.B. 17-1301
H.B. 17-1015	H.B. 17-1074	H.B. 17-1140	H.B. 17-1198	H.B. 17-1250	H.B. 17-1303
H.B. 17-1016	H.B. 17-1076	H.B. 17-1143	H.B. 17-1200	H.B. 17-1251	H.B. 17-1308
H.B. 17-1017	H.B. 17-1077	H.B. 17-1144	H.B. 17-1205	H.B. 17-1252	H.B. 17-1313
H.B. 17-1018	H.B. 17-1081	H.B. 17-1145	H.B. 17-1209	H.B. 17-1255	H.B. 17-1315
H.B. 17-1020	H.B. 17-1088	H.B. 17-1147	H.B. 17-1212	H.B. 17-1257	H.B. 17-1317
H.B. 17-1024	H.B. 17-1090	H.B. 17-1149	H.B. 17-1213	H.B. 17-1258	H.B. 17-1322
H.B. 17-1025	H.B. 17-1092	H.B. 17-1150	H.B. 17-1215	H.B. 17-1263	H.B. 17-1326
H.B. 17-1030	H.B. 17-1096	H.B. 17-1151	H.B. 17-1217	H.B. 17-1265	H.B. 17-1330
H.B. 17-1039	H.B. 17-1101	H.B. 17-1152	H.B. 17-1218	H.B. 17-1266	H.B. 17-1332
H.B. 17-1041	H.B. 17-1103	H.B. 17-1155	H.B. 17-1219	H.B. 17-1267	H.B. 17-1354
H.B. 17-1047	H.B. 17-1104	H.B. 17-1162	H.B. 17-1222	H.B. 17-1269	H.B. 17-1355
H.B. 17-1048	H.B. 17-1106	H.B. 17-1172	H.B. 17-1223	H.B. 17-1271	H.B. 17-1360
H.B. 17-1049	H.B. 17-1107*	H.B. 17-1174	H.B. 17-1227	H.B. 17-1272	H.B. 17-1363
H.B. 17-1050	H.B. 17-1110	H.B. 17-1177	H.B. 17-1238	H.B. 17-1274	H.B. 17-1365
H.B. 17-1051	H.B. 17-1115	H.B. 17-1179	H.B. 17-1239	H.B. 17-1276	H.B. 17-1367*
SENATE BILLS					
S.B. 17-008	S.B. 17-044	S.B. 17-108	S.B. 17-177	S.B. 17-224	S.B. 17-268
S.B. 17-012	S.B. 17-046	S.B. 17-109	S.B. 17-178	S.B. 17-225	S.B. 17-269
S.B. 17-013	S.B. 17-048	S.B. 17-110	S.B. 17-179	S.B. 17-226	S.B. 17-271
S.B. 17-016	S.B. 17-051	S.B. 17-111-v	S.B. 17-180	S.B. 17-227	S.B. 17-272
S.B. 17-018	S.B. 17-052	S.B. 17-121	S.B. 17-187	S.B. 17-228	S.B. 17-274
S.B. 17-019	S.B. 17-058	S.B. 17-122	S.B. 17-189	S.B. 17-231	S.B. 17-286
S.B. 17-026	S.B. 17-062	S.B. 17-123	S.B. 17-190	S.B. 17-233	S.B. 17-292
S.B. 17-028	S.B. 17-068	S.B. 17-124	S.B. 17-192	S.B. 17-234	S.B. 17-294*
S.B. 17-030	S.B. 17-073	S.B. 17-126	S.B. 17-201	S.B. 17-236	S.B. 17-295
S.B. 17-031	S.B. 17-076	S.B. 17-127	S.B. 17-207*	S.B. 17-239	S.B. 17-298
S.B. 17-033	S.B. 17-077	S.B. 17-129	S.B. 17-209	S.B. 17-244	S.B. 17-299
S.B. 17-034	S.B. 17-090	S.B. 17-134	S.B. 17-211	S.B. 17-245	S.B. 17-300
S.B. 17-036	S.B. 17-097	S.B. 17-140	S.B. 17-213	S.B. 17-251	S.B. 17-304
S.B. 17-040	S.B. 17-100	S.B. 17-152	S.B. 17-222	S.B. 17-252	S.B. 17-305
S.B. 17-041	S.B. 17-106	S.B. 17-154	S.B. 17-223		
v - vetoed			* - portions only		

Acts with June 30, 2017, and later effective dates: (cont.)

Other upcoming effective dates:

September 1, 2017			
H.B. 17-1040	H.B. 17-1093	H.B. 17-1208	S.B. 17-015
H.B. 17-1071	H.B. 17-1142	H.B. 17-1296	S.B. 17-203
H.B. 17-1072			S.B. 17-229
			S.B. 17-249*
September 15, 2017		October 1, 2017	
H.B. 17-1027		S.B. 17-142	
November 1, 2017		November 2, 2017	
H.B. 17-1204		H.B. 17-1060*	
December 31, 2017			
H.B. 17-1185			
January 1, 2018			
H.B. 17-1220	H.B. 17-1302	S.B. 17-065	S.B. 17-216*
H.B. 17-1231	H.B. 17-1338	S.B. 17-088	S.B. 17-243*
H.B. 17-1277	H.B. 17-1367*		
February 1, 2018		May 1, 2018	
S.B. 17-056*		S.B. 17-207*	
July 1, 2018		July 30, 2018	
H.B. 17-1229	S.B. 17-132	H.B. 17-1107*	
H.B. 17-1285*			
October 1, 2018		January 1, 2019	
H.B. 17-1158		H.B. 17-1186	S.B. 17-247
January 1, 2020		January 2, 2020	
H.B. 17-1058*		S.B. 17-241*	
v - vetoed			
* - portions only			

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1002	Pettersen, Kefalas	Child Care Expenses Income Tax Credit Extension	Approved 6/2/2017	No Safety Clause	315	181
1003	McLachlan, Coram	Strategic Plan To Address Teacher Shortages	Approved 5/21/2017	No Safety Clause	220	54
1004	Michaelson Jenet, Hill	College Credit For Military Education & Training	Approved 6/1/2017	6/1/2017	274	64
1005	Arndt, Tate	Modernize Laws Relating To Office Of State Auditor	Approved 3/1/2017	No Safety Clause	8	75
1006	Foote, Kagan	Correct Statutory Citation In Rule Without Hearing	Approved 3/16/2017	3/16/2017	31	97
1008	Arndt, Sonnenberg	Graywater Regul Exemption For Scientific Research	Approved 5/8/2017	No Safety Clause	199	113
1010	Ginal, Crowder	Dental Practice Act & Dental Hygiene	Approved 3/1/2017	No Safety Clause	13	168
1011	Melton, Tate	Stat Of Limit Discipline Mental Hlth Professional	Approved 3/16/2017	7/1/2017	41	168
1012	Esgar, Garcia	Pueblo Chile Vehicle License Plate	Approved 4/18/2017	4/18/2017	142	149
1014	Rosenthal, Hill	Election Offenses Committed By A Voter	Approved 3/16/2017	No Safety Clause	42	70
1015	Hooton, Cooke	Clarify Good Time Sentence Reductions In Jails	Approved 3/23/2017	No Safety Clause	71	39
1016	Saine, Martinez Humenik	Exclude Value Mineral Resources TIF Division	Approved 3/8/2017	No Safety Clause	20	85
1017	Kennedy, Baumgardner	County Surveyor Duties	Approved 3/8/2017	No Safety Clause	15	78
1018	Mitsch Bush, Gardner	Extend Voter Approval Window For RTA Mill Levy	Approved 3/1/2017	No Safety Clause	2	189
1019	Valdez, Coram	Property Tax Redemption Third Party Costs	Approved 3/8/2017	3/8/2017	17	181

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1020	Singer, Martinez Humenik	Staffing Task Force Mental Illness Justice Systems	Approved 3/8/2017	No Safety Clause	25	130
1021	Danielson, Cooke	Wage Theft Transparency Act	Approved 4/13/2017	4/13/2017	126	143
1023	Kraft-Tharp, Court	Clarifying Deceptive Trade Practice Subpoenas	Approved 03/20/2017	3/20/2017	64	19
1024	Thurlow, Moreno	Nonsubstantive Relocation Commn On Family Medicine	Approved 3/1/2017	No Safety Clause	7	122
1025	Arndt, Holbert	Repeal Obsolete State Legislative District Laws	Approved 3/8/2017	No Safety Clause	21	76
1027	Becker J., Gardner	Remove Fund Repeal & Clarify Organ Donor Process	Approved 6/5/2017	No Safety Clause 9/15/2017	329	149
1030	Arndt, Sonnenberg	Update 1921 Irrigation District Law	Approved 3/8/2017	No Safety Clause	16	191
1032	Arndt, Cooke	First Responder Peer Support Testimony Privilege	Approved 3/16/2017	3/16/2017	35	29
1034	Pabon, Baumgardner	Medical Marijuana License Issues	Approved 3/16/2017	3/16/2017	43	168
1035	Jackson, Cooke	Sex Assault & Stalking Victims May Break Leases	Approved 6/1/2017	6/1/2017	276	173
1039	Lee, Kagan	Restorative Justice Communication Issues	Approved 3/20/2017	No Safety Clause	58	39
1040	Lundeen, Priola	Interception Of Human Trafficking Communications	Approved 3/23/2017	No Safety Clause 9/1/2017	69	39
1041	Covarrubias, Priola	Inform Students & Parents Of Ed Leading To Jobs	Approved 3/20/2017	No Safety Clause	51	54
1043	Navarro, Priola	Continue Funding Fraud Investigators Unit	Approved 6/6/2017	6/6/2017	391	19
1044	Mitsch Bush, Todd	Autocycle Characteristics & Safety Requirements	Approved 3/23/2017	3/23/2017	72	149
1045	Young, Lambert	Extend Home Care Allowance Grant Program	Approved 6/5/2017	6/5/2017	340	132
1046	Lebsock, Donovan	Update Outdated Statutes Persons With Disabilities	Approved 3/16/2017	3/16/2017	50	76

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1048	Foote, Smallwood	Prosecution Of Insurance Fraud	Approved 3/23/2017	No Safety Clause	68	40
1049	Thurlow, Coram	Eliminate Property Tax Abatement Refund Interest	Approved 4/24/2017	No Safety Clause	148	181
1050	McKean, Kagan	Annual In-service Training For County Sheriffs	Approved 3/16/2017	No Safety Clause	30	78
1051	Rankin, Coram	Procurement Code Modernization	Approved 4/4/2017	No Safety Clause	99	97
1052	Beckman, Smallwood	Child Welfare Allocation Formula Factors	Approved 3/16/2017	No Safety Clause	39	133
1054	Carver, Todd	Community-military Cooperation	Approved 3/16/2017	No Safety Clause	40	82
1055	Herod, Gardner	Create New Tax Check-off For Urban Peak	Approved 3/16/2017	No Safety Clause	38	181
1056	Weissman, Kefalas	Crim Sentencing Community Service Veterans Orgs	Approved 3/20/2017	3/20/2017	56	40
1057	Winter, Kerr	Interstate Physical Therapy Licensure Compact	Approved 5/10/2017	5/10/2017	200	169
1058	Thurlow, Kerr	Reporting Reqmnts By DPA To GA	Approved 3/8/2017	Portions on 3/8/2017 and on 1/1/2020	18	99
1059	Thurlow, Tate	Reporting Reqmnts By DPS To GA	Approved 3/30/2017	No Safety Clause	91	99
1060	Thurlow, Tate	Reporting Reqmnts By HCPF To GA	Approved 3/1/2017	Portions on 3/1/2017 and on 11/2/2017	6	122
1061	Becker J., Scott	Modify Definition Of Commercial Vehicle	Approved 3/20/2017	3/20/2017	55	150
1065	Lewis, Marble	Clarify Rqmnts Formation Metropolitan District	Approved 3/23/2017	No Safety Clause	73	86

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1067	Thurlow, Kerr	Update Natl Standards Citations Accessible Housing	Approved 3/8/2017	No Safety Clause	19	174
1070	Wilson, Coram	Study Drone Use By Public Safety Agencies	Approved 6/5/2017	6/5/2017	326	99
1071	Wist, Gardner	Refund Monetary Amounts After Vacated Conviction	Approved 3/23/2017	No Safety Clause 9/1/2017	70	40
1072	Landgraf, Cooke	Human Trafficking Sexual Servitude	Approved 5/25/2017	9/1/2017	250	41
1073	Foote, Scott	Enactment of CRS 2016	Approved 3/1/2017	3/1/2017	1	179
1074	Arndt, Holbert	Repeal Obsolete Law CO Congressional Districts	Approved 3/8/2017	No Safety Clause	22	76
1076	Arndt, Coram	Artificial Recharge Nontributary Aquifer Rules	Approved 3/30/2017	No Safety Clause	89	191
1077	Valdez, Coram	Useful Public Service Cash Fund	Approved 5/21/2017	No Safety Clause	222	41
1078	Landgraf, Coram	Transfer Funds From Family Support Loan Program	Approved 3/8/2017	7/1/2017	27	122
1079	Kennedy, Coram	Continue Fees Wholesale Food Manufacture & Storage	Approved 6/6/2017	6/6/2017	396	113
1081	Nordberg, Fenberg	Olympic Athletes Colorado In-state Tuition	Approved 4/13/2017	No Safety Clause	124	64
1082	Pabon, Tate	BEST Act Technology Grant Funding	Approved 6/6/2017	6/6/2017	392	54
1083	Liston, Gardner	Municipal Judge Advisement For Traffic Offenses	Approved 4/13/2017	5/1/2017	128	29
1087	Young, Lundberg	Office Of Public Guardianship Pilot Program	Approved 6/5/2017	6/5/2017	319	29
1088	Neville P., Neville T.	Voter Signature Verification & Elec Petition Pilot	Approved 6/8/2017	No Safety Clause	398	70
1090	Kraft-Tharp, Gardner	Advanced Industry Investment Tax Credit Extension	Approved 6/6/2017	No Safety Clause	384	182
1092	Lebsock, Tate	Retail Establishment & Performing Rights	Approved 3/23/2017	No Safety Clause	78	19

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1093	Ransom, Kagan	Increase Exemption For Life Insurance Cash Value	Approved 3/20/2017	No Safety Clause 9/1/2017	57	30
1094	Buck, Crowder	Telehealth Coverage Under Health Benefit Plans	Approved 3/16/2017	3/16/2017	36	140
1096	Liston, Smallwood	Endowment Care Cemetery Authority	Approved 03/20/2017	No Safety Clause	65	20
1101	Rosenthal, Priola	Div Youth Corr Monetary Incentives Award Prog	Approved 4/4/2017	No Safety Clause	95	12
1103	Nordberg, Gardner	Sales & Use Tax Exemption For Historic Aircraft	Approved 4/4/2017	No Safety Clause	106	182
1104	Navarro, Priola	Exclude Olympic Medal Income From Taxable Income	Approved 5/22/2017	No Safety Clause	223	183
1105	Becker J., Baumgardner	Vehicle Titling & Registration Inspection Reqmnts	Approved 3/16/2017	3/16/2017	44	150
1106	Pettersen, Martinez Humenik	Extend Early Childhood Leadership Commission	Approved 6/5/2017	No Safety Clause	345	133
1107	ThurLOW, Martinez Humenik	Division Of Motor Vehicles CO DRIVES System	Approved 4/4/2017	No Safety Clause Portions on 8/9/2017 and on 7/30/2018	101	151
1109	Carver, Fields	Child Sex Assault Pattern Offense Place Of Trial	Approved 4/4/2017	4/4/2017	97	41
1110	Beckman, Todd	Jurisdiction Juv Ct Parental Responsibilities	Approved 4/18/2017	No Safety Clause	137	12
1111	Beckman, Fields	Dependency And Neglect Civil Protection Orders	Approved 4/4/2017	4/4/2017	96	13
1113	Willett, Scott	Allow Electronic Cmt Participation During Interim	Approved 5/24/2017	5/24/2017	218	77
1115	Buck, Kefalas	Direct Primary Health Care Services	Approved 4/24/2017	No Safety Clause	151	20
1116	Hamner, Martinez Humenik	Continue Low-income Household Energy Assistance	Approved 6/6/2017	No Safety Clause	393	177

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1119	Kraft-Tharp, Jahn	Payment Of Workers' Compensation Benefits	Approved 6/5/2017	7/1/2017	317	144
1120	Willett, Coram	Alcohol Beverage License Higher Education Campus	Approved 4/24/2017	No Safety Clause	152	169
1125	Nordberg, Jahn	Services In Correctional Facilities	Approved 4/13/2017	No Safety Clause	125	24
1126	Danielson, Crowder	Medicaid Appeal Review Legal Notice Requirements	Approved 4/6/2017	4/6/2017	123	122
1128	Hamner, Donovan	Salary Adjustment For Lake County Officials	Approved 3/8/2017	3/8/2017	28	78
1131	Kraft-Tharp, Smallwood	Auth To Contract Admin College Opportunity Fund	Approved 3/8/2017	3/8/2017	29	65
1133	Nordberg, Tate	Repeal SOS Annual Report UCC Filing-office Rules	Approved 3/23/2017	3/23/2017	75	100
1135	Bridges, Priola	Portability Background Checks Child Care Workers	Approved 3/20/2017	No Safety Clause	53	133
1136	Foote, Gardner	Consistent Statutes For Electronic Filing Of Taxes	Approved 3/23/2017	3/23/2017	76	183
1137	Thurlow, Tate	Reporting Reqmnts By DOR To GA	Approved 3/16/2017	No Safety Clause	45	100
1138	Salazar, Williams A.	Hate Crime Reporting By Law Enforcement	Approved 4/18/2017	No Safety Clause	136	42
1139	Landgraf, Martinez Humenik	Medicaid Provider Compliance Billing Safety Rules	Approved 6/6/2017	6/6/2017	376	123
1140	Danielson, Neville T.	Enhance Student Support CSM Fee-for-service Funds	Approved 3/16/2017	No Safety Clause	46	65
1142	Jackson, Gardner	Electronic Court Hearing Notices	Approved 3/20/2017	No Safety Clause 9/1/2017	66	31
1143	Landgraf, Crowder	Audits of Medicaid Client Correspondence	Approved 03/20/2017	No Safety Clause	67	123
1144	Esgar, Baumgardner	Amend Cap Constr Automatic Funding Mechanism	Approved 4/13/2017	No Safety Clause	132	100
1145	Herod, Gardner	Amateur Winemaker Tastings Contests & Judgings	Approved 4/13/2017	No Safety Clause	133	170

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1147	Sias, Kagan	Purpose Of Community Corrections	Approved 3/30/2017	No Safety Clause	82	25
1148	Arndt, Cooke	Registration Of Industrial Hemp Cultivators	Approved 3/23/2017	3/23/2017	79	2
1149	Exum, Gardner	Army Special Forces License Plate	Approved 4/4/2017	No Safety Clause	102	151
1150	Navarro, Hill	No Bail For Stalking & Domestic Violence Offenders	Approved 5/3/2017	No Safety Clause	182	42
1151	Hansen, Kerr	Electrical Assisted Bicycles Regulation Operation	Approved 4/4/2017	No Safety Clause	98	152
1152	Willett, Scott	Federal Mineral Lease District Investment Auth	Approved 4/4/2017	No Safety Clause	103	82
1155	Thurlow, Gardner	Cure Campaign Fin Reporting Deficiencies	Approved 5/24/2017	No Safety Clause	236	71
1157	Kraft-Tharp, Priola	Bank & Credit Union Reliance On A Cert Of Trust	Approved 3/23/2017	3/23/2017	77	73
1158	McKean, Smallwood	Charitable Solicitations Regulation	Approved 4/28/2017	No Safety Clause 10/1/2018	160	20
1160	Hamner, Priola	K-3 English Learner Reading Assessment Language	Approved 6/6/2017	6/6/2017	389	55
1162	Gray, Gardner	Outstanding Judgments & Driver's Licenses	Approved 5/18/2017	No Safety Clause	208	152
1165	Lebsock, Aguilar	DORA Boards Disciplinary Action Resolution Process	Approved 6/6/2017	6/6/2017	377	170
1172	Carver, Cooke	Penalties For Child Sex Traffickers	Approved 4/28/2017	No Safety Clause	161	42
1173	Hansen, Neville T.	Health Care Providers & Carriers Contracts	Approved 4/6/2017	7/1/2017	120	114
1174	Wilson, Crowder	Exempt Rural Telecom Loc Improvement Dist Reqmnts	Approved 4/18/2017	No Safety Clause	134	79
1176	Becker J., Sonnenberg	PERA Retirees Employed By Rural School Districts	Approved 6/6/2017	6/6/2017	397	101
1177	Wist, Cooke	Mediation For Disputes Arising Under CORA	Approved 5/4/2017	No Safety Clause	197	101

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1180	Winter, Neville T.	Tuition Assistance For Certificate Programs	Approved 3/30/2017	3/30/2017	80	55
1181	Pettersen, Priola	Required State Assessment For Ninth-grade Students	Approved 6/6/2017	6/6/2017	385	55
1183	Foote, Gardner	Mental Hlth Profl Disclosures Repeal Effect Clause	Approved 4/6/2017	4/6/2017	121	171
1184	Duran, Grantham	Modern Technology Education In Public Schools	Approved 4/24/2017	No Safety Clause	145	56
1185	Singer, Smallwood	Reports Of Suspected Child Abuse Or Neglect	Approved 5/3/2017	No Safety Clause 12/31/2017	194	13
1186	Pettersen, Coram	Health Coverage Prescription Contraceptives Supply	Approved 6/5/2017	No Safety Clause 1/1/2019	324	141
1188	Foote, Coram	Harassment Sexual Orientation Or Disability	Approved 5/3/2017	No Safety Clause	185	43
1189	Danielson, Scott	Colorado Wine Development Board Term Limits	Approved 4/28/2017	4/28/2017	153	3
1190	Becker K., Sonnenberg	Limited Applicability Of St. Jude's Co. Water Case	Approved 5/25/2017	No Safety Clause	266	192
1193	Kraft-Tharp, Tate	Small Cell Facilities Permitting And Installation	Approved 4/18/2017	7/1/2017	143	83
1194	Foote, Cooke	Technical Changes For P-tech Schools	Approved 4/13/2017	No Safety Clause	129	65
1196	Arndt, Priola	Credit Hours Required For Barbers Cosmetologists	Approved 4/13/2017	No Safety Clause	131	171
1197	Ginal, Coram	Exclude Marijuana From Farm Products Definition	Approved 4/6/2017	No Safety Clause	122	3
1198	Gray, Gardner	Increasing Special District Board To Seven Members	Approved 4/6/2017	No Safety Clause	119	86
1200	Wist, Tate	Update Public Benefit Corporation Requirements	Approved 6/6/2017	No Safety Clause	386	23
1201	Coleman, Zenzinger	Science Tech Engineering Math Diploma Endorsement	Approved 5/18/2017	5/18/2017	211	56

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1204	Lee, Cooke	Juvenile Delinquency Record Expungement	Approved 5/18/2017	11/1/2017	206	14
1205	Melton, Martinez Humenik	Motor Vehicle Total Loss Title Insurance	Approved 4/28/2017	No Safety Clause	162	153
1207	Lee, Priola	No Detention Facility Requirement Youth Ages 10-12	Approved 5/30/2017	5/30/2017	269	15
1208	Weissman, Gardner	Record Sealing Clarifications	Approved 6/5/2017	No Safety Clause 9/1/2017	335	102
1209	Melton, Cooke	Peace Officer Status Head Of Ofc Prevention & Sec	Approved 5/25/2017	No Safety Clause	247	103
1211	Coleman, Priola	Educators Profl Development Discipline Strategies	Approved 5/18/2017	5/18/2017	204	57
1212	Rosenthal, Gardner	Colorado Aviation Special License Plate	Approved 6/6/2017	No Safety Clause	378	153
1213	Van Winkle, Holbert	Transfers Of Auto Titles Upon Death	Approved 5/3/2017	No Safety Clause	184	153
1214	Coleman, Tate	Encourage Employee Ownership Of Existing Small Bus	Approved 5/18/2017	5/18/2017	203	103
1215	Coleman, Gardner	Mental Health Support For Peace Officers	Approved 4/24/2017	No Safety Clause	150	43
1216	Kraft-Tharp, Neville T.	Sales & Use Tax Simplification Task Force	Approved 6/5/2017	6/5/2017	336	185
1217	Winter, Donovan	State Historical Society Governance	Approved 5/3/2017	No Safety Clause	195	103
1218	Garnett, Priola	Share Fin Institution Info Other Regulators	Approved 4/28/2017	No Safety Clause	156	73
1219	Arndt, Crowder	Extend CWCB Fallowing & Leasing Pilot Program	Approved 5/3/2017	No Safety Clause	188	192
1220	Becker K., Gardner	Prevent Marijuana Diversion To Illegal Market	Approved 6/8/2017	No Safety Clause 1/1/2018	402	43
1221	Willett, Aguilar	Grey And Black Market MJ Enforcement Efforts	Approved 6/8/2017	7/1/2017	401	104

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1223	Saine, Neville T.	OSA Fraud Hotline	Approved 5/25/2017	No Safety Clause	243	104
1224	Kraft-Tharp, Gardner	Misbranded Adulterated Counterfeit Drugs Penalty	Approved 6/5/2017	6/5/2017	341	171
1227	Winter, Priola	Electric Demand-side Management Program Extension	Approved 5/18/2017	No Safety Clause	209	178
1228	Pabon, Priola	Pet Animal Care Technology Platform Regulation	Approved 6/5/2017	6/5/2017	342	106
1229	Singer, Cooke	Workers' Comp For Mental Impairment	Approved 6/5/2017	No Safety Clause 7/1/2018	328	144
1231	Arndt, Tate	Market Conduct Examinations Insurance Companies	Approved 6/1/2017	No Safety Clause 1/1/2018	284	141
1233	Arndt, Crowder	Protect Water Historical Consumptive Use Analysis	Approved 5/3/2017	5/3/2017	189	193
1238	Lee, Holbert	Relocate Title 12 Credit Debt Services	Approved 5/25/2017	No Safety Clause	260	21
1239	Wist, Guzman	Relocate Title 12 Private Occupational Schools	Approved 5/25/2017	No Safety Clause	261	65
1240	Wist, Cooke	Relocate Title 12 CDPHE	Approved 5/25/2017	No Safety Clause	244	114
1241	Herod, Gardner	Relocate Title 12 Indian Arts & Crafts Sales	Approved 4/28/2017	No Safety Clause	163	22
1243	Willett, Guzman	Relocate Title 12 Wholesale Sales Representatives	Approved 5/25/2017	No Safety Clause	241	32
1244	Herod, Gardner	Relocate Title 12 Cemeteries	Approved 5/25/2017	No Safety Clause	239	22
1245	Foote, Kagan	Relocate Title 12 Public Establishments	Approved 5/25/2017	No Safety Clause	240	22
1246	Kraft-Tharp, Tate	STEMI Task Force Recommendations Heart Attack Care	Approved 5/18/2017	5/18/2017	214	115
1248	Arndt, Cooke	CO Water Conservation Bd Construction Fund Project	Approved 5/23/2017	5/23/2017	229	193

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1250	Lebsock, Coram	Renew & Expand Tax Check-off To Benefit Wildlife	Approved 6/5/2017	No Safety Clause	362	186
1251	Nordberg, Moreno	Reporting Reqmnts By Higher Ed Agencies To GA	Approved 5/25/2017	No Safety Clause	253	66
1252	Ginal, Hill	Courts Collect Costs From Criminal Offenders	Approved 6/6/2017	No Safety Clause	367	44
1253	Danielson, Crowder	Protect Seniors From Financial Abuse	Approved 6/2/2017	7/1/2017	289	74
1255	Nordberg, Kerr	Reporting Requirements By SVMA To GA	Approved 5/25/2017	No Safety Clause	248	146
1257	Arndt, Tate	Reporting Reqmnts By DNR To GA	Approved 5/25/2017	No Safety Clause	254	157
1258	Hamner, Coram	Renaming Delta-Montrose Technical College	Approved 5/20/2017	No Safety Clause	219	66
1263	McKean, Gardner	Limited Lines Self-storage Insurance License	Approved 6/6/2017	No Safety Clause	368	142
1264	Ginal, Martinez Humenik	PACE Ombudsman Program Add Local Ombudsmen	Approved 6/5/2017	6/5/2017	363	123
1265	Becker K., Priola	PERA Judicial Division Total Employer Contribution	Approved 5/25/2017	No Safety Clause	265	106
1266	Hooton, Fenberg	Seal Misdemeanor Marijuana Conviction Records	Approved 6/6/2017	No Safety Clause	380	44
1267	Arndt, Moreno	Reporting Reqmnts By Education Agencies To GA	Approved 5/25/2017	No Safety Clause	242	57
1269	Danielson, Martinez Humenik	Repeal Prohibition Of Wage Sharing Information	Approved 6/2/2017	No Safety Clause	290	144
1271	Pettersen, Priola	Standards For Innovation District Waivers	Approved 6/5/2017	No Safety Clause	343	57
1272	Hooton, Moreno	Reporting Requirements By CDLE To GA	Approved 4/28/2017	No Safety Clause	181	144
1274	Ginal, Baumgardner	Veterinary Pharm Compounding Animal Patient	Approved 6/6/2017	No Safety Clause	369	172

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1277	Mitsch Bush, Martinez Humenik	Driver's License Suspension Leaving Accident Scene	Approved 6/5/2017	No Safety Clause 1/1/2018	337	154
1279	Garnett, Tate	Construction Defect Actions Notice Vote Approval	Approved 5/23/2017	5/23/2017	232	174
1280	Michaelson Jenet, Gardner	Disability Trusts 21st Century Cures Act Language	Approved 5/23/2017	5/23/2017	230	158
1282	Ginal, Sonnenberg	Rural Veterinary Education Loan Repayment Program	Approved 6/5/2017	No Safety Clause	322	3
1283	Singer, Garcia	Task Force Child Welfare Worker Resiliency Prog	Approved 5/22/2017	5/22/2017	227	134
1284	Lontine, Aguilar	Data System Check For Employees Serving At-risk Adults	Approved 5/30/2017	5/30/2017	272	134
1285	Mitsch Bush, Cooke	Refinance Water Pollution Control Program	Approved 6/5/2017	Portions on 7/1/2017 and on 7/1/2018	356	115
1288	Saine, Cooke	Penalties For Felony DUI Offenders	Approved 6/6/2017	No Safety Clause	387	154
1289	Valdez, Coram	State Engineer Rules Historical Consumptive Use	Approved 5/22/2017	5/22/2017	228	194
1291	Arndt, Coram	Alternate Storage Not Change If Already Quantified	Approved 6/5/2017	No Safety Clause	338	194
1292	Young, Lundberg	Child Welfare Provider Rates	Approved 6/6/2017	6/6/2017	370	135
1293	Melton, Todd	Local Government Officials On Nonprofit Boards	Approved 6/2/2017	No Safety Clause	291	23
1294	Weissman, Todd	Counting ASCENT Prog Students In Graduation Rate	Approved 6/5/2017	6/5/2017	327	58
1295	Rankin, Moreno	Repeal Governor's Office Of Marijuana Coordination	Approved 5/25/2017	7/1/2017	258	107
1296	Nordberg, Smallwood	Assignment Of State-owned Vehicles	Approved 6/2/2017	9/1/2017	293	107

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1298	Hamner, Lundberg	Annual Compensation Report Submission Deadline	Approved 5/25/2017	5/25/2017	255	108
1301	Michaelson Jenet, Holbert	No Withholding Student Transcripts For Library Fines	Approved 5/17/2017	No Safety Clause	201	59
1302	Lee, Gardner	Juvenile Sexting Crime	Approved 6/6/2017	1/1/2018	390	44
1303	Wist, Gardner	Judicial Performance Evaluation System & Commns	Approved 6/5/2017	No Safety Clause	331	32
1304	Singer, Smallwood	Adoptee Present In-state Exception	Approved 6/5/2017	7/1/2017	339	16
1306	McLachlan, Coram	Test Lead In Public Schools' Drinking Water	Approved 6/8/2017	6/8/2017	399	116
1308	Salazar, Kagan	Individualized Conditions Of Parole	Approved 6/6/2017	No Safety Clause	371	25
1313	Herod, Neville T.	Civil Forfeiture Reform	Approved 6/9/2017	No Safety Clause	403	46
1315	Singer, Gardner	Require Div Crim Jus To Report DUI Data	Approved 6/1/2017	No Safety Clause	280	155
1316	Lontine, Marble	Delay Implementation Of HB 16-1309	Approved 4/28/2017	4/28/2017	164	34
1317	Esgar, Baumgardner	State Historical Society Auth To Sell Property	Approved 5/24/2017	No Safety Clause	238	108
1322	Esgar, Donovan	Domestic Violence Reports By Medical Profls	Approved 6/5/2017	No Safety Clause	325	16
1326	Lee, Gardner	Justice Reinvestment Crime Prevention Initiative	Approved 6/6/2017	No Safety Clause	394	25
1329	Lee, Kagan	Reform Division Of Youth Corrections	Approved 6/6/2017	6/6/2017	381	17
1330	Lee, Fields	No Escape Convictions For Habitual Criminals	Approved 6/6/2017	No Safety Clause	374	47
1332	Bridges, Fenberg	Teachers Nonpublic Child Care & Preschool Facility	Approved 5/30/2017	No Safety Clause	268	59

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1338	Bridges, Marble	Municipal Court Bond Hold Notification and Hearing	Approved 6/6/2017	No Safety Clause 1/1/2018	375	34
1340	Lundeen, Hill	Legislative Interim Committee On School Finance	Approved 6/2/2017	6/2/2017	294	59
1342	Benavidez, Crowder	County Public Safety Improvements Tax Elections	Approved 5/24/2017	5/24/2017	235	79
1343	Young, Moreno	Implement Conflict-free Case Management	Approved 6/5/2017	6/5/2017	320	124
1346	Lontine, Hill	Land Sale To Fort Logan Cemetery	Approved 5/25/2017	5/25/2017	251	109
1349	Pabon, Neville T.	Assessment Ratio For Residential Real Property	Approved 6/5/2017	6/5/2017	358	186
1351	Pettersen, Crowder	Study Inpatient Substance Use Disorder Treatment	Approved 6/2/2017	6/2/2017	288	125
1353	Young, Lundberg	Implement Medicaid Delivery & Payment Initiatives	Approved 5/23/2017	5/23/2017	231	125
1354	Becker K., Priola	Collection Of Delinquent Taxes On Mobile Homes	Approved 5/24/2017	No Safety Clause	215	84
1355	Young, Lundberg	Cnty Block Grant Money To Child Care Quality Progs	Approved 6/5/2017	No Safety Clause	359	136
1356	Duran, Tate	Treat Econ Dev Income Tax Credits Differently	Approved 5/24/2017	5/24/2017	237	187
1357	Pabon, Cooke	Extend CDLE WORK Grant Program	Approved 6/5/2017	6/5/2017	360	145
1359	Young, Gardner	CDE Positions Exempt From State Personnel System	Approved 6/2/2017	6/2/2017	295	109
1360	Pabon, Moreno	Allow Criminal Record Sealing Subsequent Offense	Approved 6/6/2017	No Safety Clause	382	47
1361	Rankin, Lambert	Evaluate State Information Technology Resources	Approved 6/5/2017	6/5/2017	361	109
1363	Hansen, Martinez Humenik	Exempt New Energy Rqmnt If Not Subordinate Lien	Approved 6/5/2017	No Safety Clause	357	86
1365	Garnett, Kefalas	Liquor-licensed Drugstores Elec Benefit Transfers	Approved 6/6/2017	No Safety Clause	383	136

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1367	Pabon, Jahn	Authorize Marijuana Clinical Research	Became Law 6/10/2017	No Safety Clause Portions on 8/9/2017 and on 1/1/2018	406	47
1369	Pabon, Marble	Bonds Persons Fail Appear Due Immigration Issues	Approved 6/6/2017	6/6/2017	379	48
1371	Lee, Cooke	Distribution Of Medications To Certain Outlets	Approved 6/2/2017	6/2/2017	292	26
1375	Pettersen, Hill	Distributing Mill Levy Override Revenue To Schools	Approved 6/2/2017	6/2/2017	287	60

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BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
008	Hill, Lebsock	Legalize Gravity Knives And Switchblades	Approved 3/23/2017	No Safety Clause	74	36
011	Lambert, Lawrence	Study Transp Access For People With Disabilities	Approved 3/20/2017	3/20/2017	59	143
012	Martinez Humenik, Lee	Competency Restoration Services & Education	Became Law 6/10/2017	No Safety Clause	404	10
013	Jones, Danielson	FPPA Multi-employer Deferred Compensation Plan Doc	Approved 3/8/2017	No Safety Clause	14	80
015	Aguilar, Pabon	Unlawful Marijuana Advertising	Approved 4/4/2017	No Safety Clause 9/1/2017	104	36
016	Neville T., Nordberg	County Choice Child Protection Teams	Approved 4/4/2017	No Safety Clause	107	131
017	Aguilar, Singer	Allow Medical Marijuana Use For Stress Disorders	Approved 6/5/2017	6/5/2017	347	111
018	Moreno, Arndt	Statutory Revision Committee SB 16-146 Fix	Approved 3/1/2017	No Safety Clause	3	111
019	Martinez Humenik, Singer	Medication Mental Illness In Justice Systems	Became Law 6/10/2017	No Safety Clause	405	127
020	Cooke, Melton	FPPA Statewide Plan Election Approval Standard	Approved 3/8/2017	3/8/2017	23	80
021	Martinez Humenik, Singer	Assistance To Released Mentally Ill Offenders	Approved 6/2/2017	6/2/2017	305	127
024	Fields, Young	Clarify Intellectual & Dev Disab Hearsay Exception	Approved 3/30/2017	7/1/2017	83	28
025	Holbert, Singer	Marijuana Education Materials Resource Bank	Approved 6/2/2017	6/2/2017	306	50
026	Sonnenberg, Arndt	State Engineer Statutes Cleanup	Approved 3/16/2017	No Safety Clause	47	190
027	Court, Melton	Increase Penalty Texting While Driving	Approved 6/1/2017	6/1/2017	279	147

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028	Gardner, Nordberg	Healthy Families And Military Preparedness Act	Approved 6/5/2017	No Safety Clause	332	10
030	Baumgardner, Esgar	Exempt Injectable Anabolic Steroids For Cattle	Approved 3/16/2017	No Safety Clause	48	36
031	Tate, Arndt	Reporting Reqmnts By Dept Of Corrections To GA	Approved 3/30/2017	No Safety Clause	92	24
033	Aguilar, Lawrence	Delegate Dispensing Over-the-counter Medications	Approved 3/30/2017	No Safety Clause	81	159
034	Jones, Foote	Disaster Emergency Transfers From County Gen Funds	Approved 3/16/2017	No Safety Clause	32	188
036	Scott, Arndt	Appellate Process Concerning Groundwater Decisions	Approved 4/18/2017	No Safety Clause	140	190
040	Kefalas, Pabon	Public Access To Gov Files	Approved 6/1/2017	No Safety Clause	286	88
041	Priola, Hooton	Higher Education Employment Contract Terms	Approved 3/20/2017	No Safety Clause	52	61
044	Kerr, Arndt	Reporting Rqmnts By DORA To GA	Approved 3/1/2017	No Safety Clause	4	89
046	Tate, Arndt	Modernize Procedures For Unpaid Checks & Warrants	Approved 4/6/2017	No Safety Clause	116	89
048	Cooke, Willett	Require Arrests Of ISP Escapees From DOC	Approved 4/4/2017	No Safety Clause	94	24
050	Cooke, Becker K.	Consolidate Forest Risk & Health Grant Programs	Approved 3/16/2017	7/1/2017	34	156
051	Fields, Foote	Revisions To Victims' Rights Laws	Approved 4/28/2017	No Safety Clause	155	36
052	Kerr, Thurlow	Statutory Revision Cmt CDE Title 22 Corrections	Approved 3/1/2017	No Safety Clause	5	50
056	Kerr, Arndt	Reporting Reqmnts By CDPHE To GA	Approved 3/16/2017	Portions on 3/16/2017 and on 2/1/2018	33	111
058	Baumgardner, Singer	Employee Agent Purchase of Alcohol Beverages	Approved 3/8/2017	No Safety Clause	24	159

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060	Todd, Wilson	CO Student Leaders Institute Relocation To CDHE	Approved 3/20/2017	3/20/2017	54	61
062	Neville T., Humphrey	Student Free Speech Public Higher Ed Campuses	Approved 4/4/2017	No Safety Clause	100	61
065	Lundberg, Lontine	Transparency In Direct Pay Health Care Prices	Approved 4/6/2017	No Safety Clause 1/1/2018	113	111
066	Cooke, Saine	Municipal Authority To Employ Police	Approved 4/4/2017	4/4/2017	105	37
068	Todd, Singer	School Counselors Early Support For Students	Approved 4/18/2017	No Safety Clause	138	50
073	Garcia, Valdez	Promote Runyon-Fountain Lakes State Wildlife Area	Approved 3/30/2017	No Safety Clause	90	156
074	Garcia, Esgar	Create Medication-assisted Treatment Pilot Program	Approved 5/22/2017	5/22/2017	226	62
076	Priola, Coleman	Authority To Spend Money For School Awards	Approved 4/4/2017	No Safety Clause	108	51
077	Jahn, Willett	Government Agency Special Event Permit Eligibility	Approved 3/20/2017	No Safety Clause	63	159
083	Kagan, Foote	Rule Review Bill	Approved 4/28/2017	4/28/2017	178	1
088	Holbert, Hooton	Participating Provider Network Selection Criteria	Approved 4/18/2017	No Safety Clause 1/1/2018	135	137
090	Baumgardner, Mitsch Bush	Measuring Delta-9 THC In Industrial Hemp	Approved 3/16/2017	No Safety Clause	37	2
091	Crowder, Ginal	Allow Medicaid Home Health Services In Community	Approved 6/5/2017	6/5/2017	321	117
096	Lambert, Lundeen	Reserve Peace Officer Academy Grant Program	Approved 6/2/2017	6/2/2017	307	90
097	Martinez Humenik, Coleman	Vacated Alleys Presume Included In All Deeds	Approved 4/6/2017	No Safety Clause	117	173
100	Sonnenberg, Landgraf	Land Stewardship Volunteer Grantee Immunity	Approved 4/6/2017	No Safety Clause	114	156
103	Merrifield, Pettersen	Early Learning Strategies In Ed Accountability	Approved 6/6/2017	6/6/2017	372	51

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105	Garcia, Becker K.	Consumer Right To Know Electric Utility Charges	Approved 5/22/2017	5/22/2017	224	176
106	Aguilar, Singer	Sunset Registration Of Naturopathic Doctors	Approved 6/2/2017	No Safety Clause	302	159
108	Crowder, Buckner	Sunset Speech-language Pathology Practice Act	Approved 4/24/2017	No Safety Clause	146	160
109	Donovan, Arndt	Industrial Hemp Animal Feed	Approved 3/20/2017	No Safety Clause	60	2
110	Crowder, Danielson	Accessibility Of Exempt Family Child Care	Approved 3/30/2017	No Safety Clause	85	131
111	Neville T., Michaelson Jenet	Medical Marijuana Inventory Shortfall Fixes	Vetoed 6/8/2017			160
112	Neville T., Pabon	Sales & Use Tax Payment To Wrong Local Government	Approved 4/18/2017	4/18/2017	144	180
115	Cooke, Willett	Expand Law Enforcement Exception Sexual Material	Approved 4/18/2017	4/18/2017	141	38
117	Coram, Catlin	Recognize Indus Hemp Ag Product For Ag Water Right	Approved 5/21/2017	5/21/2017	221	191
121	Crowder, Danielson	Improve Medicaid Client Correspondence	Approved 6/2/2017	No Safety Clause	303	117
122	Tate, Danielson	Repeal Fallen Heroes Memorial Commission	Approved 3/30/2017	No Safety Clause	86	90
123	Priola, Hamner	Seal Of Biliteracy For High School Diplomas	Approved 3/30/2017	No Safety Clause	84	52
124	Moreno, Nordberg	CO Uniform Trust Decanting Act	Approved 3/30/2017	No Safety Clause	88	158
125	Guzman, Pabon	Lump-sum Compensation For Exonerated Persons	Approved 4/4/2017	4/4/2017	109	28
126	Guzman, Hamner	Domestic Violence Fatality Review Board	Approved 6/8/2017	No Safety Clause	400	11
127	Tate, Pabon	Originator Exemption Mortgages To Family Members	Approved 3/16/2017	No Safety Clause	49	160
129	Sonnenberg, Arndt	Clerk & Recorder Preserve Plats Electronically	Approved 5/18/2017	No Safety Clause	213	78

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132	Gardner, Wist	Revised Uniform Law On Notarial Acts	Approved 5/18/2017	No Safety Clause 7/1/2018	207	90
134	Tate, Herod	Alcohol Beverage Licensee Penalty Application	Approved 3/30/2017	No Safety Clause	87	161
137	Todd, Jackson	Sunset Health Service Corps Advisory Council	Approved 4/18/2017	4/18/2017	139	112
139	Hill, Pabon	Extend Credit For Out-of-state Tobacco Sales	Vetoed 4/28/2017			180
140	Sonnenberg, Arndt	Torrens Title Registration System	Approved 5/18/2017	No Safety Clause	212	173
142	Williams A., Danielson	Breast Density Notification Required	Approved 4/6/2017	10/1/2017	112	161
144	Hill, Pettersen	Sunset Review Ed Data Advisory Committee	Approved 4/6/2017	4/6/2017	110	52
146	Jahn, Ginal	Access To Prescription Drug Monitoring Program	Approved 4/6/2017	4/6/2017	111	161
148	Priola, Garnett	Sunset Continue Office Of Boxing	Approved 5/3/2017	5/3/2017	183	162
152	Court, Kennedy	Implement Changes Made By Amendment 71	Approved 4/28/2017	No Safety Clause	169	67
153	Garcia, Esgar	Southwest Chief & Front Range Passenger Rail Commn	Approved 5/22/2017	Portions on 5/22/2017 and on 7/1/2017	225	188
154	Gardner, Wist	Uniform Unsworn Declarations Act Include Domestic	Approved 4/13/2017	No Safety Clause	130	162
159	Lambert, Hamner	Supplemental Approp - Corrections	Approved 3/1/2017	3/1/2017	408	5
160	Lambert, Hamner	Supplemental Approp - Education	Approved 3/1/2017	3/1/2017	409	5
161	Lambert, Hamner	Supplemental Approp - Gov, Lt Gov, OSPB	Approved 3/1/2017	3/1/2017	410	5
162	Lambert, Hamner	Supplemental Approp - Health Care Policy & Financing	Approved 3/1/2017	3/1/2017	411	5

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163	Lambert, Hamner	Supplemental Approp - Human Services	Approved 3/1/2017	3/1/2017	412	6
164	Lambert, Hamner	Supplemental Approp - Judicial	Approved 3/1/2017	3/1/2017	413	6
166	Lambert, Hamner	Supplemental Approp - Military Affairs	Approved 3/1/2017	3/1/2017	414	6
167	Lambert, Hamner	Supplemental Approp - Personnel	Approved 3/1/2017	3/1/2017	415	6
168	Lambert, Hamner	Supplemental Approp - Public Safety	Approved 3/1/2017	3/1/2017	416	6
169	Lambert, Hamner	Supplemental Approps - Revenue	Approved 3/1/2017	3/1/2017	417	7
170	Lambert, Hamner	Supplemental Approp - State	Approved 3/1/2017	3/1/2017	418	7
171	Lambert, Hamner	Supplemental Approp - Transportation	Approved 3/1/2017	3/1/2017	419	7
172	Lambert, Hamner	Supplemental Approp - Capital Construction	Approved 3/1/2017	3/1/2017	420	7
173	Lambert, Hamner	School Finance Mid-year Adjustments	Approved 3/1/2017	3/1/2017	9	52
174	Lambert, Hamner	Allocation Of Money For National Guard Tuition	Approved 3/1/2017	3/1/2017	10	63
175	Lambert, Hamner	Transfers Between State Self-insurance Funds	Approved 3/1/2017	3/1/2017	11	91
176	Moreno, Rankin	Motor Vehicle License Plate Appropriation	Approved 3/1/2017	3/1/2017	12	147
177	Cooke, Rosenthal	Children's Code Definition Of Special Respondent	Approved 4/6/2017	No Safety Clause	118	28
178	Marble, Melton	Marijuana Use As A Condition Of Bond	Approved 4/6/2017	No Safety Clause	115	38
179	Gardner, Herod	Fee Limits For Solar Energy Device Installations	Approved 4/28/2017	No Safety Clause	170	91
180	Cooke, Esgar	PUC Streamlined Enforcement Of Motor Carriers	Approved 6/1/2017	No Safety Clause	281	176

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183	Gardner, Lee	Support USS Colorado Commissioning	Approved 6/5/2017	7/1/2017	330	146
187	Crowder, Ginal	Residency Exemption MJ Ed-based Occupation License	Approved 6/5/2017	No Safety Clause	354	162
189	Cooke, Foote	Consumer Options In Fingerprint Background Checks	Approved 4/24/2017	No Safety Clause	149	38
190	Crowder, Gray	Insurance Carrier Fees Noncovered Dental Services	Approved 4/24/2017	No Safety Clause	147	112
192	Neville T., Melton	Marijuana Business Efficiency Measures	Approved 6/2/2017	No Safety Clause	299	163
193	Jahn, Pettersen	Research Ctr Prevention Substance Abuse Addiction	Approved 5/18/2017	5/18/2017	202	128
194	Neville T., Pabon	Exception To Deadlines Due To Refund-related Fraud	Approved 3/30/2017	3/30/2017	93	91
196	Lundberg, Young	DOL Information Technology Security	Approved 3/20/2017	3/20/2017	61	8
197	Lundberg, Young	Legal Services For Department Of Education	Approved 3/20/2017	3/20/2017	62	8
198	Priola, Garnett	Public Participate Review Acquire Control Insurer	Approved 6/2/2017	6/2/2017	300	137
201	Cooke, Lee	Sunset Domestic Violence Offender Management Bd	Approved 6/2/2017	No Safety Clause	308	38
202	Coram, Esgar	Species Conservation Trust Fund Projects	Approved 6/2/2017	6/2/2017	301	157
203	Todd, Covarrubias	Prohibit Carrier From Requiring Alternative Drug	Approved 6/2/2017	No Safety Clause 9/1/2017	296	138
207	Kagan, Salazar	Strengthen CO Behavioral Health Crisis System	Approved 5/18/2017	No Safety Clause	205	128
209	Priola, Weissman	Various Changes For Access To Ballot By Candidates	Approved 5/23/2017	No Safety Clause	234	68
211	Scott, Lawrence	Contractor Surety Bonds For Public Projects	Approved 6/6/2017	No Safety Clause	373	91
212	Crowder, Weissman	Sunset Board Of Veterans Affairs	Approved 6/1/2017	6/1/2017	275	146

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213	Hill, Winter	Automated Driving Motor Vehicles	Approved 6/1/2017	No Safety Clause	277	147
214	Smallwood, Exum	Voluntary Firefighter Cancer Benefits Program	Approved 5/3/2017	5/3/2017	187	80
215	Priola, Gray	Sunset Lic Real Estate Brokers & Subdiv Developers	Approved 6/1/2017	6/30/2017	282	163
216	Gardner, Becker K.	Sunset Continue Fair Debt Collections Act	Approved 6/1/2017	Portions on 6/1/2017 and on 1/1/2018	285	164
217	Garcia, Michaelson Jenet	Sunset Board Of Veterans Community Living Centers	Approved 6/1/2017	6/1/2017	273	131
218	Kerr, Kennedy	Sunset Continue Licensing Of Landscape Architects	Approved 6/2/2017	6/2/2017	304	164
219	Garcia, Lontine	Sunset Local Bds Vets Community Living Centers	Approved 6/5/2017	6/5/2017	348	131
220	Court, Arndt	Sunset Restorative Justice Coordinating Council	Approved 4/28/2017	4/28/2017	173	28
221	Court, Melton	Sunset Review Court Security Cash Fund Comm	Approved 6/5/2017	6/5/2017	349	29
222	Cooke, Willett	Relocate Title 12 Fireworks	Approved 5/25/2017	No Safety Clause	245	92
223	Gardner, Herod	Relocate Dead Human Bodies Title 12 Recodification	Approved 4/28/2017	No Safety Clause	158	158
224	Kagan, Lee	Relocate Title 12 Driving Schools	Approved 4/28/2017	No Safety Clause	179	147
225	Cooke, Willett	Relocate Title 12 Farm Products & Warehouses	Approved 5/25/2017	No Safety Clause	262	2
226	Kagan, Foote	Relocate Title 12 Regulation Of Financial Inst	Approved 4/28/2017	No Safety Clause	159	73
227	Gardner, Foote	Relocate Title 12 Attorneys-at-law	Approved 5/3/2017	No Safety Clause	192	164
228	Gardner, Wist	Relocate Title 12 Dance Hall & Escort & Pawnbroker	Approved 5/25/2017	No Safety Clause	246	80

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229	Holbert, Mitsch Bush	Penalties When Passing Stationary Vehicles	Approved 6/1/2017	No Safety Clause 9/1/2017	278	148
230	Holbert, Becker K.	FY 2017-18 Legislative Appropriation Bill	Approved 4/6/2017	4/6/2017	407	8
231	Moreno, Thurlow	Reporting Reqmnts By DOT To GA	Approved 4/28/2017	No Safety Clause	174	188
232	Fenberg, Rosenthal	Sunset Bingo-raffle Advisory Board	Approved 5/23/2017	5/23/2017	233	92
233	Tate, Arndt	Reporting Reqmnts By Dept Of Law To GA	Approved 4/28/2017	No Safety Clause	175	93
234	Kerr, Thurlow	Reporting Reqmnts By Dept Human Services To GA	Approved 4/28/2017	No Safety Clause	154	131
236	Coram, Weissman	Sunset Process Bail Bonding Agents Div Insurance	Approved 6/2/2017	No Safety Clause	312	165
237	Gardner, Nordberg	Age Of Employees Serving Alcohol On Premises	Approved 6/5/2017	6/5/2017	351	165
239	Williams A., Singer	Nonmonetary Adjustments For IT Capital Projects	Approved 6/5/2017	No Safety Clause	350	93
240	Jahn, Winter	Sunset Motor Vehicle Dealers Sales	Approved 6/6/2017	7/1/2017	395	165
241	Tate, Hooton	Reporting Reqmnts By Judicial Dept To GA	Approved 4/28/2017	Portions on 4/28/2017 and on 1/2/2020	171	29
242	Martinez Humenik, Ginal	Modernize Behavioral Health Terminology in CRS	Approved 5/25/2017	5/25/2017	263	129
243	Baumgardner, Jackson	Cont Motorcycle Operator Safety Training Program	Approved 5/25/2017	Portions on 7/1/2017 and on 1/1/2018	256	189
244	Priola, Gray	Retail Food Establishment Fees	Approved 6/5/2017	No Safety Clause	344	112
245	Priola, Pabon	Tenancies One Month To One Year Notice	Approved 6/5/2017	No Safety Clause	352	166

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246	Martinez Humenik, Michaelson Jenet	Leg Cmt Person With Mental Hlth Disorder Jus Sys	Approved 4/28/2017	4/28/2017	176	130
247	Priola, Pabon	Electricians Inspectors Licensing Qualifications	Approved 5/3/2017	No Safety Clause 1/1/2019	193	166
249	Smallwood, Ginal	Sunset Division Of Insurance	Approved 6/1/2017	Portions on 6/1/2017 and on 9/1/2017	283	138
251	Tate, Arndt	Dept Revenue Records Insurer & Salvage Pool	Approved 6/2/2017	No Safety Clause	309	148
252	Tate, Coleman	Utility Cost-saving Contract For Local Governments	Approved 6/5/2017	No Safety Clause	316	81
254	Lambert, Hamner	2017-18 Long Bill	Approved 5/26/2017	5/26/2017	421	8
255	Lambert, Rankin	Technology Advancement & Emergency Fund	Approved 4/28/2017	4/28/2017	172	93
256	Lambert, Hamner	Hospital Reimbursement Rates	Approved 5/8/2017	5/8/2017	198	118
257	Moreno, Rankin	Historical Society Community Museums Cash Fund	Approved 4/28/2017	4/28/2017	177	94
258	Lundberg, Rankin	Using Open Educational Resources In Higher Ed	Approved 5/3/2017	5/3/2017	191	63
259	Lundberg, Rankin	General Fund Transfers Protect Natural Resources	Approved 5/3/2017	5/3/2017	190	94
260	Lambert, Hamner	Severance Tax Cash Fund Transfers To General Fund	Approved 4/28/2017	No Safety Clause	157	94
261	Lundberg, Young	2013 Flood Recovery Account & Transfer	Approved 4/28/2017	4/28/2017	180	94
262	Lambert, Hamner	HUTF & Capital Construction Fund Transfers	Approved 4/28/2017	4/28/2017	165	95
263	Lambert, Hamner	Capital-related Transfers Of Money	Approved 4/28/2017	4/28/2017	166	95
264	Moreno, Young	Funding For Behavioral Mental Hlth Disorder Servs	Approved 6/5/2017	6/5/2017	353	130

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265	Lambert, Hamner	State Employee Reserve Fund Transfer	Approved 4/28/2017	4/28/2017	167	95
266	Lambert, Hamner	State General Fund Reserve Reduction For FY2016-17	Approved 4/28/2017	4/28/2017	168	95
267	Sonnenberg, Becker K.	Sustainability Of Rural Colorado	Approved 5/30/2017	Portions on 5/30/2017 and on July 1, 2017	267	118
268	Smallwood, Ransom	Pharmacy Technician Supervision Ratio	Approved 5/3/2017	No Safety Clause	186	167
269	Marble, Winter	Retail Liquor Store Sales Revenue Nonalcohol Goods	Approved 6/5/2017	No Safety Clause	333	167
271	Cooke, Pabon	Investor-owned Utility Cost Recovery Transparency	Approved 6/2/2017	No Safety Clause	310	177
272	Priola, Pettersen	Measures Of Postsecondary And Workforce Readiness	Approved 6/2/2017	No Safety Clause	297	52
274	Holbert, Garnett	Nonadmitted Insurers Disability Surplus Lines Ins	Approved 6/5/2017	No Safety Clause	334	139
278	Coram, Ginal	Prohibit Nuisance Exhibition Motor Vehicle Exhaust	Approved 6/5/2017	6/5/2017	323	189
279	Zenzinger, Beckman	Applicability Recent Urban Renewal Legislation	Approved 5/25/2017	5/25/2017	249	81
280	Tate, Kraft-Tharp	Extending The Economic Development Commission	Approved 5/20/2017	5/20/2017	217	96
286	Holbert, Ransom	Driver's Permit License Disability Administration	Approved 6/6/2017	No Safety Clause	388	148
291	Martinez Humenik, Bridges	Sunset School Safety Resource Center Advisory Bd	Approved 5/25/2017	5/25/2017	259	96
292	Lundberg, Rankin	CO Works Employment Opportunities With Wages	Approved 5/30/2017	No Safety Clause	271	132
293	Kagan, Lee	Update Paper Specification Std For CRS Publication	Approved 5/25/2017	5/25/2017	257	75

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
294	Gardner, Lee	Revisor's Bill	Approved 5/25/2017	Portions on 5/25/2017, on 7/1/2017, and on 8/9/2017	264	179
295	Lundberg, Young	Revise Medicaid Fraud Reporting	Approved 6/2/2017	No Safety Clause	298	121
296	Hill, Pettersen	Financing Public Schools	Approved 6/2/2017	6/2/2017	313	53
297	Lambert, Hamner	Revising Higher Education Performance Requirements	Approved 5/18/2017	5/18/2017	210	63
298	Tate, Kraft-Tharp	Motor Vehicle Dealers & Manufacturers	Approved 6/5/2017	No Safety Clause	355	167
299	Holbert, Van Winkle	Apportionment Of Income Of Enterprise Data Centers	Approved 6/5/2017	No Safety Clause	318	180
300	Lambert, Kennedy	High-risk Health Care Coverage Program	Approved 6/2/2017	No Safety Clause	314	139
302	Coram, Catlin	Clarify Property Tax Exemption Silvicultural Equip	Approved 6/2/2017	6/2/2017	311	180
304	Martinez Humenik, Singer	Authority Of The Joint Technology Committee	Approved 5/25/2017	No Safety Clause	252	96
305	Lundberg, Foote	Primary Election Clean-up	Approved 5/19/2017	No Safety Clause	216	68
306	Lambert, Hamner	Direct Transfer HCSM To Broadband Grant Recipients	Approved 6/6/2017	6/6/2017	365	177

ADMINISTRATIVE RULE REVIEW

S.B. 17-83 Continuation of 2016 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2015, and before November 1, 2016, with the exception of the rules specifically listed in the act. Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2017, on the grounds that the rules either conflict with statute or lack or exceed statutory authority.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

AGRICULTURE

S.B. 17-90 Industrial hemp - measurement of THC concentration. The commissioner of agriculture determines the level of delta-9 tetrahydrocannabinol in industrial hemp by measuring the combined concentration of delta-9 tetrahydrocannabinol and its precursor, delta-9 tetrahydrocannabinolic acid.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-109 Hemp products in animal feed - feasibility study - recommendations - duties of commissioner. The act requires the commissioner of agriculture to create a group to study the feasibility of including hemp products in animal feed. The group must include a hemp producer, a hemp processor, a legal expert, a person from an institution of higher education who has studied hemp policy, a veterinarian, a livestock producer, and any other person the commissioner determines would facilitate understanding the legal, practical, or business considerations. The group will make recommendations by December 31, 2017.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-225 Title 12 remodification study - relocation - commodities handlers - farm producers. **Committee on Legal Services.** The law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates the "Commodity Handler Act" and the "Farm Products Act" to the title governing agriculture.

The acts are repealed from where they were previously codified.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1148 Industrial hemp - cultivators - disclosure of company managers, officers, directors, and owners - authority of the department to deny cultivation registration. The act adds a requirement that applicants for commercial industrial hemp cultivation registration provide the names of each officer, director, member, partner, or owner of 10% or more in the entity applying for registration. Applicants may be denied registration for up to 3 years if any individual or entity listed in the application was previously subject to discipline or if

the individual or entity was previously listed by an entity that was subject to discipline. When a registration is suspended, revoked, or relinquished, a new application for registration may be denied for up to 3 years after the effective date of discipline.

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

H.B. 17-1189 Industry development - wine industry development board - terms - extension. The act increases the number of terms served by members of the Colorado wine industry development board from one to 2 full 4-year terms; except that a member appointed to fill a vacancy may serve an additional 2 full terms. Members may also continue to serve after the expiration of their terms until the appointment of a successor.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

H.B. 17-1197 Farm Products Act - definition of farm products - exclusion of marijuana from definition. Under the "Farm Products Act", the commissioner of agriculture or his or her designee licenses farm product dealers, small-volume dealers, and their agents. The act excludes marijuana from the definition of "farm products" under the "Farm Products Act".

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1282 Veterinarians - veterinary education loan repayment council - designation of veterinary shortage areas - eligibility - fund transfer. The act creates a 5-member state veterinary education loan repayment council (council) in Colorado state university's college of veterinary medicine and biomedical sciences. The council administers the veterinary education loan repayment program (program) by use of funds from the veterinary education loan repayment fund (fund), which program and fund are also created in the act. Through the program, the council provides veterinary education loan repayments from the fund to eligible veterinarians who:

- Have graduated from an accredited doctor of veterinary medicine school;
- Currently live in Colorado or, at some point, have lived in Colorado for at least 3 years; and
- Agree to practice veterinary medicine for up to 4 years in a rural area of the state that is experiencing a shortage of veterinarians that the council designates for participation in the program.

To implement the program, the council enters into a contract with an eligible veterinarian and the rural area of the state in which the veterinarian will practice veterinary medicine.

On September 1, 2017, \$140,000 is transferred from the general fund to the fund to implement the program.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

APPROPRIATIONS

S.B. 17-159 Supplemental appropriation - department of corrections. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund portion of the appropriation is decreased and the cash funds portion is increased, resulting in an overall decrease to the total amount appropriated to the department.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-160 Supplemental appropriation - department of education. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-161 Supplemental appropriation - offices of the governor, lieutenant governor, and state planning and budgeting. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund portion of the appropriation is decreased and the cash funds portion is increased, resulting in an overall increase to the offices.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-162 Supplemental appropriation - department of health care policy and financing. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, reappropriated funds, and federal funds portions are increased.

Appropriations made in House Bill 16-1408, concerning the allocation of cash fund revenues to health-related programs, is amended to make adjustments in the total amount appropriated to the department for medical services premiums.

Appropriations made in Senate Bill 16-199, concerning programs of all-inclusive care for the elderly, to further appropriate any unexpended 2016-17 money allocated for general professional and special projects for the 2017-18 fiscal year.

Restrictions on funds for the department in the 2015-16 fiscal year for the payment of overexpenditures of line item appropriations are released in accordance with section 24-75-109 (4)(a).

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-163 Supplemental appropriation - department of human services. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund portion of the appropriation is decreased and the cash funds, reappropriated funds, and federal funds portions are increased, resulting in an overall increase to the total amount appropriated to the department.

Appropriations made in House Bill 16-1408, concerning the allocation of cash fund revenues to health-related programs, is amended to make adjustments in the total amount appropriated to the department for expenses related to community behavioral health.

Appropriations made in House Bill 14-1317, concerning modifications to the Colorado child care assistance program, is amended to remove direction that funds remain available until June 30, 2017.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-164 Supplemental appropriation - judicial department. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and reappropriated funds portions of the appropriation are increased and the cash funds portion is decreased, resulting in an overall increase in funding to the department.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-166 Supplemental appropriation - department of military and veterans affairs. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased and the federal funds portion is decreased, resulting in an overall increase in the amount appropriated for the department.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-167 Supplemental appropriation - department of personnel. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of personnel. The reappropriated funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-168 Supplemental appropriation - department of public safety. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of public safety. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are

increased, resulting in an overall increase for the department.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-169 Supplemental appropriation - department of revenue. The 2016 general appropriation act is amended to balance and make adjustments to the department of revenue. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds portions are increased, resulting in an overall increase to the department.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-170 Supplemental appropriation - department of state. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the department of state. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-171 Supplemental appropriation - department of transportation. The 2016 general appropriation act is amended to balance and make adjustment to the total amount appropriated to the department of transportation. The cash funds portion of the appropriation is increased.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-172 Supplemental appropriation - capital construction. The 2016 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction. The capital construction fund, cash funds, and federal funds portions of the appropriation are increased.

The 2015 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction. The cash funds portion of the appropriation is increased.

The 2014 general appropriation act is amended to balance and make adjustments to the total amount appropriated for capital construction. The capital construction portion of the appropriation is increased.

The 2011 general appropriation act is amended to add a footnote to the department of public health and environment's portion of the appropriation to specify that the appropriation remains available until June 30, 2017.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-196 Supplemental appropriation - department of law. The 2016 general appropriation act is amended to increase the appropriation to the department of law to improve the department's information technology security based on an external auditor's recommendations. The general fund, cash funds, reappropriated funds, and federal funds portions are increased.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

S.B. 17-197 Supplemental appropriation - department of law. The 2016 general appropriation act is amended to increase the amount of reappropriated funds that are appropriated to the department of law for the purpose of providing additional legal services for the department of education.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

S.B. 17-230 Legislative appropriation - appropriation to youth advisory council cash fund. \$43,570,138 is appropriated to the legislative department for the payment of expenses in the 2017-18 state fiscal year. In addition, \$25,000 is appropriated to the youth advisory council cash fund.

APPROVED by Governor April 6, 2017

EFFECTIVE April 6, 2017

S.B. 17-254 General appropriation act - 2017 - long bill. For the fiscal year beginning July 1, 2017, the act provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2017. The grand total for the operating budget is set at \$28,715,018,398 of which \$7,874,356,260 is from the general fund portion of the appropriation; \$2,714,180,679 is from the general fund exempt portion; \$7781,411,028 is from the cash funds portion; \$1,725,943,903 is from the reappropriated funds portion; and \$8,646,126,528 is from the federal funds portion.

The grand total for the fiscal year 2017 capital construction projects is \$183,391,498 of which \$91,912,328 is from the capital construction fund portion of the appropriation; \$69,179,429 is from the cash funds portion; \$10,000,000 is from the reappropriated funds portion; and \$12,299,741 is from the federal funds portion.

The 2011 general appropriation act, capital construction projects, is amended to change the date in footnote 1 to continue the appropriation for superfund sites cleanup to 2020.

The 2014 general appropriation act, capital construction projects, is amended to reduce the amount appropriated for the Quigley Hall renovation at Western State Colorado university.

The 2015 general appropriation act, is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, personnel, and public health and environment.

The 2016 general appropriation act, is amended to balance and make adjustments to the total amount appropriated to the departments of education, health care policy and financing, higher education, human services, labor and employment, local affairs, personnel, public health and environment, and the treasury.

Appropriations made in House Bill 16-1408, concerning the allocation of cash fund revenues to health-related programs, is amended to reduce the amount appropriated to the department of health care policy and financing.

Appropriations made in House Bill 16-1267, concerning the "Colorado Veterans' Service-to-Career Pilot Program", is amended to clarify that the funds remain available until June 30, 2018.

APPROVED by Governor May 26, 2017

EFFECTIVE May 26, 2017

CHILDREN AND DOMESTIC MATTERS

S.B. 17-12 Juvenile and criminal justice systems - competency restoration services - appropriation. The act addresses various issues relating to the restoration of competency for juveniles and adults in the juvenile and criminal justice systems, including:

- Requiring the court to consider whether restoration to competency services should occur on an outpatient basis if the defendant is on bond or summons;
- Requiring that, in addition to providing competency restoration services in the least restrictive environment, the provision of such services and a juvenile's participation in those services occur and are reviewed by the court in a timely manner;
- Establishing the office of behavioral health (office) as the entity responsible for the oversight of restoration education and the coordination services necessary to competency restoration; and
- Setting forth the duties of the office related to competency restoration services and education, including the development of a standardized juvenile and adult curricula for the educational component of competency restoration services. The curricula, to be developed on or before December 1, 2017, must have a content and delivery mechanism that allows it to be tailored to meet individual needs, including those of persons with intellectual and developmental disabilities.

For the 2017-18 state fiscal year, the act appropriates \$18,000 to the department of human services from the marijuana tax cash fund for operating expenses related to community behavioral health administration.

BECAME LAW June 10, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-28 Child abuse or neglect - information sharing - military installations - appropriation. The act requires the state department of human services (state department) and county departments of human or social services (county departments) to provide notice and to collect and share information with the command authority of national military installations regarding any report received of known or suspected instances of child abuse or neglect in which the person having custody or control of the child is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces assigned to that military installation.

The state department and county departments may enter into memorandums of understanding with military installations establishing protocols for the sharing of information and for collaboration on the investigations into child abuse or neglect by a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces.

The state board of human services shall promulgate rules related to the collection and sharing of information.

The act allows designated authorities at the military base of assignment or installation for the member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces to have access to reports of child abuse or neglect.

Reports of known or suspected child abuse or neglect must include the military affiliation of any person who has custody or control of the child who is the subject of the investigation of child abuse or neglect, if such individual is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces.

\$12,960 is appropriated from the general fund to the state department for implementation of the act.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-126 Colorado domestic violence fatality review board - created - cash fund - appropriation. The act creates the Colorado domestic violence fatality review board (board) in the department of law (department). The review board includes the attorney general or his or her designee, who acts as chair, and at least 17 other members, to be appointed by the attorney general.

The review board shall:

- Coordinate with local and regional domestic violence review teams (review teams) to collect data;
- Review and analyze the data; and
- Prepare recommendations for the general assembly.

The board shall submit a written report of its recommendations to the health and human services and judiciary committees of the senate and the public health care and human services and judiciary committees of the house of representatives on or before December 1, 2018, and on or before December 1 each year thereafter through December 1, 2021. The report may include, but is not limited to, the following:

- Recommendations for improving communication between public and private organizations and agencies;
- The number of domestic violence fatalities and near-death incidents that occurred in each county during the preceding year and the factors associated with each fatality;
- Recommendations for reducing the incidence of domestic violence in the state, and for improving responses to domestic violence incidents by the legal system and by communities; and
- Recommendations directed at primary prevention of domestic violence.

A city, county, or district court may establish a review team to review fatal and

near-fatal incidents of domestic violence, related domestic violence matters, and suicides related to domestic abuse. Each review team shall collect data and report it to their communities and to the review board. A local or regional child fatality prevention review team may operate as a domestic violence review team.

The act creates the Colorado domestic violence fatality review board cash fund (fund) and authorizes the department and the review board to seek, accept, and expend gifts, grants, and donations to the fund from private or public sources.

The board is repealed, effective September 1, 2022.

\$19,750 is appropriated from the general fund and the Colorado domestic violence fatality review board cash fund to the department for implementation of the board.

APPROVED by Governor June 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1101 Division of youth corrections - monetary incentives award program. The act authorizes the division of youth corrections in the department of human services (division) to establish, at its discretion, a youth corrections monetary incentives award program (program). The purpose of the program is to provide monetary awards and incentives for academic, social, and psychological achievement to juveniles who were formerly committed to the division to assist and encourage them in moving forward in positive directions in life.

If the division does establish a program, it shall devise, in collaboration with a selected nonprofit organization (nonprofit), appropriate participation criteria and criteria for awarding individual scholarships to deserving juveniles. The criteria may include that a juvenile in the program maintains the highest grades possible during each academic term and makes continual progress in therapeutic or other programs, if applicable, during each academic term. The criteria may also require that scholarship money awarded to a juvenile may only be used for educational or other expenses approved as necessary and valid to the juvenile's continued improvement by the division and the nonprofit.

If the division establishes a program it shall use a request for proposals process to contract with a nonprofit. The division and the nonprofit are authorized to accept and expend monetary and in-kind gifts, grants, and donations on behalf of the program. Such money must be used to provide scholarships and other incentive awards to the juveniles in the program.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1110 Juvenile courts - jurisdiction - juvenile delinquency and parenting matters. The act allows the juvenile court to take jurisdiction involving a juvenile in a juvenile

delinquency case and subsequently enter orders addressing parental responsibilities and parenting time and child support matters when:

- The juvenile court has maintained jurisdiction in a case involving an adjudicated juvenile, a juvenile with a deferred adjudication, or a juvenile on a management plan;
- An action related to child custody, a dependency and neglect action, or an action for allocation of parental responsibilities involving the same juvenile is not pending in a district court in this state, and the court complies, as applicable, with the requirements of the "Uniform Child-custody Jurisdiction and Enforcement Act"; and
- All parties, parents, guardians, and other legal custodians are in agreement or have been given proper notice; and
- The juvenile court finds that it is in the best interests of the juvenile involved.

The juvenile court is required to provide notice in compliance with the Colorado rules of civil procedure; except that service must be effected not less than 7 business days prior to the hearing. The notice must be written in clear language stating that the hearing concerns the allocation of parental responsibilities.

APPROVED by Governor April 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1111 Juvenile courts - dependency and neglect actions - civil protection orders. The act clarifies that the juvenile court (court) has jurisdiction to enter civil protection orders in dependency and neglect actions in the same manner as district and county courts. The court must follow the same procedures for the issuance of the civil protection orders and use standardized forms. Civil protection orders must be entered into the central registry for protection orders and are enforced in the same manner as civil protection orders issued by other courts.

If the civil protection order is made permanent, it remains in effect after the termination of the dependency and neglect action. The clerk of the court shall file a certified copy of a permanent civil protection order in an existing district court case, if applicable, or with the county court in the county where the protected party resides.

APPROVED by Governor April 4, 2017

EFFECTIVE April 4, 2017

H.B. 17-1185 Information to mandatory reporter - county employees. Under current law, certain identified persons are mandated to report if they know or suspect that a child has been subject to abuse or neglect (mandatory reporters). The act adds to the list of mandatory reporters officials and employees of county departments of health, human services, or social services (county employees).

If a certain mandatory reporter continues to be involved with a child who was the subject of the report, the mandatory reporter is entitled to access to records and reports of

the abuse or neglect. The act adds county employees to the list of mandatory reporters entitled to access to reports. Current law requires the county department of human or social services to report certain information to a mandatory reporter within 30 days after the filing of a report. The act extends the period to 60 days.

APPROVED by Governor May 3, 2017

EFFECTIVE December 31, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1204 Juvenile delinquency records - limited public access - expungement - appropriation. The act ensures that a juvenile and his or her attorney can access the juvenile's delinquency records and that juvenile delinquency record information is available to agencies that require the information for research or internal purposes, with protections against the disclosure of identifying information.

Prior to the act, a juvenile or someone on the juvenile's behalf had to petition, after an applicable waiting period of one to 5 years, for expungement. The act requires the court to automatically expunge records in certain situations and in other situations the juvenile must still petition for expungement.

Records are expunged within 42 days upon:

- A finding of not guilty at an adjudicatory trial;
- Dismissal of the entire case; or
- The completion of a juvenile sentence for a petty offense, drug petty offense, a class 2 or class 3 misdemeanor, or a level 1 or level 2 drug misdemeanor that is not a sex offense, does not involve domestic violence, or is not a crime that requires victim notification.

Records are eligible for expungement upon the completion of a juvenile sentence for a class 1 misdemeanor or a misdemeanor involving domestic violence; or for a misdemeanor offense involving unlawful sexual contact; or after the dismissal after completion of juvenile diversion, a deferred adjudication, or an informal adjustment; or for a first-time felony or drug felony and the adjudicated felony is not a crime of violence, is not an offense involving unlawful sexual behavior, and is not a class 1 or class 2 felony. The court sends a notice to the prosecuting attorney that the records are eligible for expungement. The prosecuting attorney shall notify the victim, and the victim and the prosecuting attorney have the right to object to the expungement. If there is no objection, the court enters an expungement order. If there is an objection, the court holds a hearing to determine if the juvenile is sufficiently rehabilitated and whether expungement is in the best interest of the juvenile and the community.

A person may petition the juvenile court to expunge records:

- In a closed case if the records are otherwise eligible for expungement, have not been expunged by the court, and a proceeding concerning a felony, misdemeanor, or delinquency action is not pending against the petitioner; or
- Related to a law enforcement contact that did not result in referral to another

- agency after one year has passed since the law enforcement contact and a proceeding concerning a felony, misdemeanor, or delinquency action is not pending against the petitioner; or

 - Related to an adjudication as a mandatory sentence offender or as a repeat offender if the person is otherwise eligible for expungement and thirty-six months have passed after the date of the petitioner's unconditional release from his or her juvenile sentence.

A filing fee, notarization, or other formalities are not required. If the court determines the records are eligible for expungement the court will proceed depending whether the records are eligible for automatic expungement or whether the records require a notice and hearing to be held determine if expungement is appropriate.

Records are eligible for expungement upon the completion of a juvenile sentence for a municipal offense other than a traffic offense 42 days after the completion of the municipal sentence. The court shall send notice to the prosecuting attorney regarding the expungement and if the prosecuting attorney files an objection within 42 days, the court shall hold a hearing. If there is no objection, the court enters an expungement order. If there is an objection, the court holds a hearing to determine if the juvenile has successfully completed the sentence and the case is closed.

A person who is adjudicated as a violent juvenile offender or aggravated juvenile offender; adjudicated for homicide or vehicular homicide as a juvenile offender; adjudicated for a felony offense involving unlawful sexual behavior; or is charged, adjudicated, or convicted of a traffic offense or infraction is not eligible for expungement.

The act requires written notice of the right to expungement and of the expungement process to the juvenile. A prosecuting attorney cannot require as a condition of a plea agreement that the juvenile waive his or her right to expungement.

For the 2017-18 state fiscal year:

- \$108,710 is appropriated to the department of human services to purchase information technology services. The money is reappropriated to the office of information technology.
- \$45,237 and 0.8 FTE is appropriated to the judicial department for trial court programs and capital outlay; and
- \$12,294 and 0.4 FTE is appropriated to the department of public safety for use by the biometric identification and records unit to seal records for juvenile expungements.

APPROVED by Governor May 18, 2017

EFFECTIVE November 1, 2017

H.B. 17-1207 Juvenile detention facilities - requirements - appropriation. The act creates provisions that remove the requirements for the department of human services to receive, detain, or provide care for any juvenile who is 10 years of age and older but less than 13 years of age, unless the juvenile has been arrested or adjudicated for a felony or a weapons charge that is a misdemeanor or felony. Provisions remain in statute for other programs and services for the age group that will no longer require placement of the juvenile in a detention

facility.

The act makes adjustments to the 2017 general appropriation act, Senate Bill 17-254, for the implementation of the act.

APPROVED by Governor May 30, 2017

EFFECTIVE May 30, 2017

H.B. 17-1304 Adoption - present in state or under court jurisdiction. Prior to the act, in order to adopt a child, the child had to be present in the state where the adoption petition was filed. Under the act, the child need not be present in the state if the child has been under the jurisdiction of a court in Colorado for at least 6 months.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1322 Reporting of injuries relating to domestic violence by medical licensees - exception created. Current law requires any licensed physician, physician assistant, or anesthesiologist assistant (licensee) who attends or treats any of certain injuries, including injuries resulting from domestic violence, to report the injury at once to the police of the city, town, or city and county or the sheriff of the county in which the licensee is located.

The act states that a licensee is not required to report an injury that the licensee has reason to believe involves an act of domestic violence if:

- The victim of the injury is at least 18 years of age and indicates his or her preference that the injury not be reported;
- The injury is not an injury that the licensee is otherwise required to report; and
- The injury is not a serious bodily injury.

When a licensee declines to report an injury that he or she has reason to believe resulted from domestic violence pursuant to the victim's expressed preference, the licensee shall document the victim's request in the victim's medical record.

Before a licensee reports an injury that he or she has reason to believe resulted from domestic violence, the licensee shall make a good-faith effort, confidentially, to advise the victim of the licensee's intent to do so.

If a licensee has reason to believe that an injury resulted from domestic violence, then, regardless of whether the licensee reports the injury to law enforcement, the licensee shall either refer the victim to a victim's advocate or provide the victim with information concerning services available to victims of abuse. A licensee who, in good faith, refers a victim to a victim's advocate or provides a victim with information concerning services available to victims of abuse is not civilly liable for any act or omission of the victim's advocate or of any agency that provides such services to the victim.

Under current law, any licensee who, in good faith, makes such a report of an injury is immune from any liability, civil or criminal, that might otherwise be incurred or imposed

with respect to the making of the report. The act states that a licensee who does not make a report under the new conditions described in the act is also immune from such liability.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1329 Reform of the division of youth corrections. The act renames the division of youth corrections the "division of youth services" (division) and makes conforming amendments. The act sets forth the purposes of the renamed division.

The act creates and requires the division to implement a pilot program to initiate a cultural change within the division. The act creates a cash fund and authorizes the division to seek, accept, and expend gifts, grants, or donations for the pilot program.

The act requires the department to contract with an independent third party to facilitate, coach, and train staff and leadership of the division throughout the pilot program. The act requires the division to contract with a second independent third party to evaluate the effectiveness and outcome of the pilot program.

The act creates community boards in each region of the division, requires a management-level employee from each division facility to attend community board meetings, and requires a representative of the division to report to each community board quarterly.

Current law requires the state department of human services (department) to report annually to the general assembly data concerning recidivism rates of youths committed to the custody of the department. The act requires the department to report data concerning educational outcomes as well as recidivism rates, and the act requires the state auditor to audit these reports for accuracy and quality.

The act renames the "youth seclusion working group" the "youth restraint and seclusion working group", adds a member to the working group, expands the role of the working group to include advising on the use of restraints, requires the division to report to the working group concerning its use of restraints and seclusion, and requires the division to include in its reports an incident report or behavior management plan for any youth whom the division isolates from his or her peers for more than 8 hours in 2 consecutive calendar days.

The act requires the division to document and report certain items relating to the use of restraint as well as the use of seclusion.

The act requires the division to contract with a third independent third party to conduct a performance assessment of the division's de-escalation, physical management, and safety policies and practices; the division's outcomes; the division's adherence to its own policies and existing law concerning restraint and seclusion; the division's provision of trauma-responsive care; and the division's use of restorative justice practices.

The act makes an appropriation.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

CONSUMER AND COMMERCIAL TRANSACTIONS

H.B. 17-1023 Deceptive trade practices - subpoena authority. The act clarifies that the attorney general or a district attorney may issue a subpoena to a person whom he or she has reasonable cause to believe has engaged in or is engaging in a deceptive trade practice in violation of Colorado statute. The act also specifies that the subpoena may be served pursuant to rule 4 of the Colorado rules of civil procedure.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

H.B. 17-1043 Uniform Commercial Code - filing of documents - filing fee surcharge to support anti-fraud efforts - extension of repeal date. The secretary of state currently charges "Uniform Commercial Code" (UCC) filing fees. Of this fee, \$3 is transferred for deposit in the Colorado identity theft and financial fraud cash fund to support activities of the Colorado fraud investigators unit. Legislation enacted in 2014 increased the portion of the UCC filing fee that is transferred to the Colorado identity theft and financial fraud cash fund from \$3 to \$4, which increase is scheduled to repeal in 2017. The act extends the scheduled repeal date for the increased fee, and for an associated report to the general assembly, until 2020.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1092 Copyrights - performing rights societies - retail proprietors. The act expands the law covering contracts between performing rights societies and proprietors of retail establishments to cover investigations and negotiations between the two.

The act extends to 3 business days a retail establishment's right to consider and to rescind a contract with a performing rights society. The law governing these negotiations and contracts applies to representatives of these societies. These societies are prohibited from double charging a proprietor for performances that are already licensed.

The act also raises the minimum statutory damages from \$1,000 to \$2,000 for violating the statutes covering performing rights societies.

With several provisions expanding transparency in these negotiations, the act:

- Requires a performing rights society to publish and file with the secretary of state its form contracts and a schedule of fees it charges a proprietor to license music for public performance. A link to the schedule must be filed with the secretary of state, who publishes the link.
- Upon request from the secretary of state, requires each performing rights society to provide information concerning a proprietor's rights and duties for public performances. The secretary of state must post the information on the secretary's website.
- Requires a performing rights society to publish a catalog of musical works the society licenses. A link to the catalog must be filed with the secretary of state,

who publishes the link.

The secretary of state may collect filing fees for the filings required by the act.

APPROVED by Governor March 23, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1096 Cemeteries - endowment care funds - unitrusts. The act authorizes the fiduciary of an endowment fund to distribute principal, such as capital gains, under a unitrust election. This facilitates investing in stocks.

The act authorizes a cemetery authority to request that the fiduciary convert an endowment fund to a unitrust. The fiduciary and cemetery authority must agree on the terms of conversion, the distribution method, and the distribution rate. The distributions must be made on a monthly, quarterly, semi-annual, or annual basis, but the default is monthly. The unitrust must comply with certain current unitrust laws.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1115 Health care - direct primary care agreements - health care provider rights. The act establishes parameters under which a direct primary care agreement may be implemented. An agreement may be entered into between a direct primary health care provider and a patient for the payment of a periodic fee and for a specified period of time. The provider must be a licensed individual or entity authorized to provide primary care services. The act establishes that the agreement is not the business of insurance or the practice of underwriting and does not fall under regulation of the division of insurance. The act outlines the conditions under which a provider may discontinue care to a patient.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1158 Charitable solicitations - registration requirements - signature and affirmation by officers - updating of information - address of record - notices - voluntary withdrawal of registration - failure to renew registration - penalties. Section 1 of the act clarifies that a charitable organization's registration with the secretary of state must be renewed on an annual basis if the charitable organization intends to solicit donations in Colorado, and an organization may not continue to solicit if it fails to renew its registration. The act also

requires an organization to update information in its registration within 30 days after any change.

Sections 1 to 3 make consistent the requirements for affirmations and declarations required on various forms under the charitable solicitation laws so that these laws are consistent with the Multistate Registration and Filing Portal, Inc.

Section 4 authorizes the secretary of state to promulgate rules providing for the withdrawal of an active registration by a charitable organization, professional fundraising consultant, or paid solicitor.

Section 5 changes the time limit for a request for a hearing on the denial, suspension, or revocation of a registration from 5 days after receipt of notice of the action by the secretary of state to 30 days after the date of the notice.

Section 6 deletes the requirement that an organization designate a registered agent for service of process and notices and substitutes a requirement that the organization provide an address of record. If no alternative address is provided, the address of the organization's principal place of business is its address of record.

Section 7 specifies that if an organization fails to file its actual financial report to replace estimated financial reports, the organization is subject to statutory fines. Notice of the failure to file is deemed received if mailed twice to the organization's address of record and, if the organization has given the secretary of state an e-mail address, sent twice to that e-mail address. Section 7 also limits the penalties that can be assessed against a charitable organization that fails to both renew its registration and timely file a financial report in the same year.

APPROVED by Governor April 28, 2017

EFFECTIVE October 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1238 Title 12 recodification study - relocation - debt management and collection services. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates the laws related to debt management and collection services from articles 14, 14.1, 14.3, and 14.5 of title 12. Specifically:

- Section 1 of the act relocates the "Colorado Fair Debt Collection Practices Act" to a new article 16 in title 5;
- Section 2 of the act relocates the "Colorado Child Support Collection Consumer Protection Act" to a new article 17 in title 5;
- Section 3 of the act relocates the "Colorado Consumer Credit Reporting Act" to a new article 18 in title 5;
- Section 4 of the act relocates the "Colorado Credit Services Organization Act" and the "Uniform Debt-Management Services Act" to a new article 19 in title 5;

- Sections 5 through 24 of the act make conforming amendments; and
- Section 25 of the act repeals articles 14, 14.1, 14.3, and 14.5 of title 12.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1241 Title 12 recodification study - relocation - Indian arts and crafts sales. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations.

To implement the initial recommendations of the study, the act repeals and relocates article 44.5 of title 12, which imposes requirements and penalties pertaining to the sale or offering for sale of authentic Indian and other arts and crafts, to a new part 2 in article 15 of title 6 of the Colorado Revised Statutes, governing consumer and commercial affairs.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1244 Title 12 recodification study - relocation - cemeteries. **Committee on Legal Services.** Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates article 12 of title 12, which relates to cemeteries, to title 6.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1245 Title 12 recodification study - relocation - public establishments. **Committee on Legal Services.** Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates parts 1 and 3 of article 44 of title 12, which relate to public establishments, to title 6.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORPORATIONS AND ASSOCIATIONS

H.B. 17-1200 Public benefit corporations - limited cooperative associations - appropriation.
The act:

- Authorizes a limited cooperative association to operate as a public benefit corporation;
- Repeals the requirement that a public benefit corporation's entity name explicitly refer to its status as a public benefit corporation, and instead requires that before issuing shares of stock or disposing of treasury shares that are not required to be federally registered, the public benefit corporation must provide notice to the person to whom the stock is issued or who acquires the treasury shares that it is a public benefit corporation (section 1 of the act);
- Requires shareholder approval of transactions to opt out of status as a public benefit corporation (section 2);
- Clarifies the requirements applicable to filing the annual public benefit report (section 4);
- Clarifies that the existence of a provision of the public benefit corporation law does not of itself create an implication that a contrary or different rule of law is or would be applicable to an entity that is not a public benefit corporation (section 5); and
- Appropriates \$30,488 from the department of state cash fund to the department of state for the implementation of the act.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1293 Nonprofit entities - boards of directors - eligibility of local government officials to serve - mandatory disclosure. The act specifies that it is neither a conflict of interest nor a breach of fiduciary duty or the public trust for a local government official to serve on the board of directors of a nonprofit entity. A local government official who serves on the board of directors of a nonprofit entity shall publicly announce his or her relationship with the nonprofit entity before voting on a matter that provides a direct and substantial economic benefit to the nonprofit entity.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORRECTIONS

S.B. 17-31 Statutory reporting requirements - repeal or continuation of reports to general assembly. Statutory Revision Committee. Currently, the department of corrections is required to submit a number of reports (typically on an annual basis) to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-48 Intensive supervision programs - escape from custody - arrest required. The act states that when a peace officer or community parole officer has probable cause to believe that an offender in an intensive supervision program has committed an escape by knowingly removing or tampering with an electronic monitoring device that he or she is required to wear as a condition of parole, the officer shall immediately seek a warrant for the offender's arrest or arrest the offender without undue delay if the offender is in the presence of the officer. However, before an officer arrests an offender, the officer, if practicable, shall determine that the notification of removal or tampering was not merely the result of an equipment malfunction.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1125 Correctional industries - required programs. Current law requires the division of correctional industries in the department of corrections to establish programs that are responsible for vehicle maintenance, physical plant and facility maintenance, and food and laundry services for each of the state's correctional facilities. The act removes this requirement.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1147 Community corrections programs - purposes. The act provides the purposes of community corrections programs.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1308 Individualized conditions of parole. The act eliminates certain mandatory conditions of parole while preserving the discretion of the state board of parole (board) and parole officers to impose such conditions. Specifically, the act removes the requirement that:

- The board fix the manner and time of payment of restitution as a condition of every parole;
- Every parolee obtain the knowledge and consent of his or her community parole officer before changing residence, instead requiring a parolee to notify his or her parole officer before any change of residence;
- Every parolee submit to urinalysis or other drug tests;
- Every parolee not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of his or her community parole officer; and
- The board require every parolee at the parolee's own expense to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1326 Parole technical violation sanction changes - parole plan investigation prior to release - justice reinvestment crime prevention initiative - small business lending - crime reduction grant programs - appropriation. The act creates the justice reinvestment crime prevention initiative (initiative) in the division of local government in the department of local affairs (division). The division shall develop the initiative to expand small business lending in the target communities of Aurora and Colorado Springs. The division will issue a request for participation from one or more nondepository community development financial institution loan funds to participate in the small business lending program. The division shall enter into a contract with the selected funds to define the operating terms of the loan program. The loans are limited to 5 years and \$50,000.

The division shall also develop an initiative to implement a grant program for programs, projects, or direct services aimed at reducing crime in the target communities. The division shall issue a request for participation to select a community foundation or foundations to manage the grant program. The division shall sign an agreement with the selected foundation or foundations that defines the role and responsibility of the foundation in managing the grant program. The grant program may fund:

- Academic improvement programs;
- Community-based services;
- Community engagement programs;
- Increasing safety and usability of common outdoor-spaces programs;
- Technical assistance related to data collection, data analysis, and evaluation; and
- Administrative costs of the foundation.

Only a nonprofit organization in good standing and registered with the internal revenue service and the Colorado secretary of state, a school, a unit of local government, or a private contractor hired to provide technical assistance are eligible to receive grants.

The act funds the initiative and grant program through changes to parole. It first changes the length of time that a parolee may serve for a technical parole violation. If the parolee is on parole for a class 2 felony; level 1 drug felony; a crime of violence, stalking, menacing, or unlawful sexual behavior; or a crime against an at-risk adult or is a sexually violent predator, the length of revocation is up to the remainder of the parolee's parole period. If the parolee is on parole for a level 2 drug felony or a class 3 nonviolent felony, the length of revocation is up to 90 days. If the parolee is on parole for a level 3 or level 4 drug felony or a class 4, class 5, or class 6 nonviolent felony, the length of revocation is up to 30 days.

Secondly, the act requires the division of adult parole to conduct a parole plan investigation prior to the parole release hearing and to inform the parole board (board) of the results of the investigation. If the board finds an inmate's parole plan inadequate, the board can table the release decision and order the department to submit a revised parole plan developed in conjunction with the inmate within 30 days of the board's order.

Finally, the act allows the board to conduct a parole release review instead of a hearing without the presence of the inmate if the inmate is assessed "low" or "very low" on the risk assessment instrument and victim notification is not required.

The act requires the division to present a status report to the joint judiciary committee regarding the initiative.

The act reduces the appropriation to the department of corrections by \$5,865,182 as a result of the changes to the parole statutes. The act appropriates that \$5,865,182 to the department of local affairs with \$1,000,000 to fund the lending program and \$3,000,000 to fund the grant program. \$1,761,140 is deposited in a cash fund that can be used to fund the department of corrections external capacity or to fund additional money to the lending program or grant program.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1371 Dispensing of medications to pharmacies. An accredited hospital, a prescription drug outlet operated by a health maintenance organization, and the state

department of corrections are allowed to distribute compounded and prepackaged medications, without limitation, to pharmacies and other outlets under common ownership of the entity.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

COURTS

S.B. 17-24 Hearsay exception for a person with an intellectual and developmental disability - applies to crimes against at-risk persons. Under current law, there is an exception to the hearsay rule for a person with an intellectual and developmental disability if the out-of-court statement relates to certain specified crimes. Current law also provides increased penalties if certain crimes are committed against at-risk persons. The act clarifies that the hearsay exception applies if the defendant is charged under the increased penalties for crimes against at-risk persons.

APPROVED by Governor March 30, 2017

EFFECTIVE July 1, 2017

S.B. 17-125 Compensation for exonerated persons - lump-sum payments. Current law requires the state to compensate persons who were wrongly convicted of crimes and subsequently incarcerated. Such compensation is paid in annual payments of \$100,000 until the state's duty of compensation is satisfied. The act allows an exonerated person to elect to receive the remaining balance of the state's duty of compensation in a lump sum by:

- Notifying the state court administrator, the governor, and the general assembly of such election;
- Completing a personal financial management instruction course; and
- Acquiring and committing to maintain a qualified health insurance plan.

APPROVED by Governor April 4, 2017

EFFECTIVE April 4, 2017

S.B. 17-177 Procedure - dependency or neglect proceedings. The current definition of "special respondent" in the children's code only allows a party to be involuntarily joined in a dependency or neglect proceeding. The act amends that definition to allow a party to be voluntarily joined in a dependency or neglect proceeding.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-220 Restorative justice coordinating council - sunset repeal - move to judicial code. The restorative justice coordinating council (council) is scheduled for repeal on July 1, 2017, with a corresponding sunset review. The act extends the council based on the recommendation of the sunset review. The act moves the council from title 19, Colorado Revised Statutes, which relates to the juvenile code, to title 13, Colorado Revised Statutes, which relates to the judicial code, since restorative justice use has expanded from juvenile cases to adult cases.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-221 Court security cash fund - repeal sunset. The act repeals the repeal of the statutory sections that create the court security cash fund (cash fund), the court security cash fund commission (commission), and duties related to the cash fund thereby extending the cash fund and commission indefinitely.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

S.B. 17-241 Statutory reporting requirements - repeal or continuation of reports to the general assembly. Statutory Revision Committee. Currently, the judicial department is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare one of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor April 28, 2017

PORTIONS EFFECTIVE April 28, 2017
PORTIONS EFFECTIVE January 2, 2020

H.B. 17-1032 Testimonial privilege - first responder peer support teams. Under current law, peer support team members for certain first responders and a first responder may not be required to testify about communications made during the peer support process without the first responder's consent. The act clarifies that the communication need not be during an individual peer support meeting.

Under current law, there is an exception to the privilege if the information provided to the peer support team member indicates certain actual or suspected crimes. The act adds crimes against at-risk persons to the list of crimes.

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1083 Municipal courts - information of rights - exception for traffic infractions. House Bill 16-1309 requires a judge to inform a defendant of certain rights at the defendant's first appearance in prosecutions in municipal courts. The act excludes cases involving traffic infractions for which the penalty is only a fine.

APPROVED by Governor April 13, 2017

EFFECTIVE April 13, 2017

H.B. 17-1087 Office of public guardianship act. The act creates the office of public guardianship (office) within the judicial department to provide legal guardianship services to indigent and incapacitated adults who:

- Have no responsible family members or friends who are available and appropriate to serve as a guardian;
- Lack adequate resources to compensate a private guardian and pay the costs

- and fees associated with an appointment proceeding; and
- Are not subject to a petition for appointment of guardian filed by a county adult protective services unit or otherwise authorized by law.

The office is established as a pilot program, to be evaluated and then continued, discontinued, or expanded at the discretion of the general assembly in 2021. On or before January 1, 2021, the director of the office shall submit a report to the judiciary committees of the senate and the house of representatives. The report, at a minimum, must:

- Quantify, to the extent possible, Colorado's unmet need for public guardianship services for indigent and incapacitated adults;
- Quantify, to the extent possible, the average annual cost of providing guardianship services to indigent and incapacitated adults;
- Quantify, to the extent possible, the net cost or benefit, if any, to the state that may result from the provision of guardianship services to each indigent and incapacitated adult in each judicial district of the state;
- Assess whether an independent statewide office of public guardianship or a nonprofit agency is preferable and feasible;
- Analyze costs and off-setting savings to the state from the delivery of public guardianship services;
- Provide uniform and consistent data elements regarding service delivery in an aggregate format that does not include any personal identifying information of any person; and
- Assess funding models and viable funding sources for an independent office of public guardianship or a nonprofit agency, including the possibility of funding with statewide probate court filing fees.

The act creates the public guardianship commission (commission) within the judicial department and charges the commission with appointing a director of the office. The director serves at the pleasure of the commission.

The act creates the office of public guardianship cash fund (fund) in the state treasury. The fund consists of any money that the office receives from gifts, grants, or donations as well as any other money appropriated to the fund by the general assembly.

The act requires the director of the office to develop rules to implement the pilot program.

The act delays the creation of the pilot program and the appointment of the director of the pilot program until the fund receives at least \$1,700,000 in gifts, grants, and donations.

The office, commission, and the fund are repealed, effective June 30, 2021.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1093 Exemption from execution - life insurance cash value. Under current law, the cash surrender value of life insurance held by a debtor for 48 months or longer up to \$100,000 is exempt from attachment or execution. The act increases this exemption up to

\$250,000.

APPROVED by Governor March 20, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1142 Service of notices. Under current law, the clerk of the court mails notice of the filing of certain petitions and the date and time of hearings on the petition to specified interested parties by registered mail. The act changes the process so that the clerk of the court may send the notice by first-class mail or electronically using the judicial department's e-filing system.

Under current law, if a respondent in a domestic relations action cannot be personally served and is served by publication, the clerk of the court is required to post a copy of the process on a bulletin board in the clerk's office for 35 days after the date of publication and may post the notice online on the court's website. The act gives the clerk the option of posting the notice online on the court's website rather than on a bulletin board.

The act also updates the time frame for holding certain hearings to multiples of 7 days.

APPROVED by Governor March 20, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1179 Immunity from civil and criminal liability - good samaritan - rescue of at-risk persons and animals from locked cars. The act provides immunity from civil and criminal liability for a person who forcibly enters a locked vehicle for the purpose of rendering assistance to an at-risk person or animal. To receive immunity, the person must:

- Ensure the vehicle is not a law enforcement vehicle;
- Have a reasonable belief that the person or animal is in imminent danger of death or suffering serious bodily injury;
- Verify the vehicle is locked;
- Make a reasonable effort to locate the owner or operator of the vehicle;
- Contact a law enforcement or other first responder agency prior to forcibly entering the vehicle and not interfere with the actions of any such responding law enforcement agency;
- Use no more force than reasonably necessary to enter the locked vehicle;
- Remain with the at-risk person or animal in a safe location close to the vehicle until law enforcement or other first responder arrives at the scene; except that, if the person rendering assistance has to leave the scene before the owner or operator of the vehicle returns, prior to leaving the scene, the person rendering assistance shall leave a notice on the vehicle with his or her name and contact information and the name and location, if any, of the facility to which he or she took the at-risk person or animal. Also prior to leaving the scene, the

person rendering assistance shall contact law enforcement, animal control, or other first responder to provide them with the same information.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1243 Title 12 recodification study - relocation - wholesale sales representatives. Committee on Legal Services. Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates article 66 of title 12, which relates to wholesale sales representatives, to title 13.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1303 Judges - evaluation - state and district commissions on judicial performance - appropriation. The act addresses issues related to the state commission on judicial performance and the various district commissions on judicial performance (state commission, district commissions, or collectively all commissions), including:

- Procedures and duties common to all commissions are combined in a more user-friendly fashion.
- The current membership of all commissions is left in place until January 31, 2019, at which time the governor's attorney appointment to a district commission and the chief justice's two nonattorney appointments to a district commission expire. The terms of all other existing commissioners continue until such time as the commissioner's term was originally set to expire. Beginning February 1, 2019, the membership of the commissions is structured as follows, with new appointing authorities making appointments on or before March 1, 2019:
 - The state commission consists of 11 members, one attorney and one nonattorney each by the president of senate and speaker of the house of representatives; one nonattorney each by the minority leader of each house; 2 attorneys appointed by the chief justice of the supreme court; and 2 nonattorneys and one attorney appointed by the governor.
 - Each district commission consists of 10 members. The make-up of each district commission is the same as that of the state commission except that the governor only appoints 2 nonattorneys to each district commission and makes no attorney appointment.
 - In the case of a vacancy, the original appointing authority shall make an appointment within 45 days after the date of the vacancy. If the original appointing authority fails to fill the vacancy within 45 days,

- the governor shall make the appointment.
 - Other conditions related to the membership of state and district commissioners remain as they exist in current law.
- Duties of all commissions are outlined. The state commission is tasked with developing uniform rules, guidelines, and procedures, including those related to the development and distribution of surveys for persons affected by justices and judges, promulgation of rules concerning the evaluation of justices and judges, the creation of a standards matrix related to statutory performance criteria and a description of the thresholds for the recommendations of "meets performance standard" or "does not meet performance standard", and the continuous collection of data for use in evaluations; and the development of a systemwide judicial training program and a systemwide volunteer courtroom observer program.
- The state commission is tasked with developing surveys to provide to persons who are affected by justices and judges and to develop guidelines and procedures to make such surveys readily available to those persons. The state commission shall develop rules, guidelines, and procedures to provide attorneys, pro se litigants, and clients with accessible and timely opportunities to review the surveys.
- Current law requires the state supreme court to approve rules promulgated by the state commission. That requirement is removed. The state commission may, however, at its discretion and within existing appropriations and resources, retain independent legal counsel to review any rules, guidelines, or procedures adopted. The state commission shall post a notice of any proposed rule, guideline, or procedure; allow for a period for public comment; and give the public the opportunity to address the state commission at a public hearing on the proposed rule, guideline, or procedure.
- The act adds retired judges who have returned to temporary judicial duties per contract with the judicial department, as allowed by statute, also referred to as senior judges, to the list of judges that commissions are to evaluate. Every third year following the initial appointment of a senior judge to the bench through a contract, the state commission shall conduct a performance evaluation of such judge. The performance evaluation shall be completed and communicate the related narrative to the chief justice no later than 45 days prior to the expiration of the senior judge's contract for that year.
- Judicial performance evaluation criteria is retained, as is the requirement for all commissions to perform election-retention-year evaluations as well as initial and interim evaluations. Narratives and recommendations stemming from such evaluations are still required.
- The option to develop an individual improvement plan (improvement plan) for a justice or judge is authorized. If the state or a district commission recommends that a justice or judge receive an improvement plan, the commission shall communicate that recommendation to the chief justice or appropriate chief judge. The chief justice or chief judge shall then develop an improvement plan for the justice or judge in question and forward such improvement plan to the state commission for review. After the state commission reviews and approves an improvement plan, the chief justice or chief judge has the responsibility for implementing the improvement plan. A copy of the improvement plan and a statement of the results of such plan will

be maintained in the appropriate commission's files. If a justice or judge is required to complete an improvement plan and he or she fails to satisfactorily do so, the appropriate commission shall automatically issue a "does not meet performance standard" designation on his or her performance evaluation summary.

- The state commission is required to gather and maintain statewide data and post a report of the data on its website at least 30 days prior to each retention election.
- Beginning in January 2019, and every 2 years thereafter, the judicial department shall include a summary of the commissions' activities in the department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentation to the joint judicial committee.
- A private right of action is established in which final actions of the state commission are subject to judicial review if a person is adversely affected or aggrieved by such final action. A "final action" for purposes of the private right of action is defined as a rule, guideline, or procedure adopted by the state commission. A "final action" does not include a final recommendation regarding a justice or a judge, an improvement plan, surveys developed by the state commission, or any aspect of an individual justice's or judge's judicial performance evaluation.

The act appropriates \$24,500 to the judicial department for the 2017-18 state fiscal year.

APPROVED by Governor June 5, 2017

EFFECTIVE August 8, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1316 Municipal courts - delay implementation of House Bill 16-1309. House Bill 16-1309, which was enacted by the 2016 general assembly, concerned a defendant's right to counsel in certain cases considered by municipal courts. The act delays the implementation of House Bill 16-1309 until July 1, 2018.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

H.B. 17-1338 Municipal hold - jail notification to municipality - timing of hearing. If a person is detained in a jail on a municipal hold and does not immediately receive a personal recognizance bond, the jail shall promptly notify the municipal court of the hold or, if the municipal hold is the sole basis for the person's detention, notify the municipal court of the hold within 4 hours. All municipal courts shall establish an e-mail address, if internet service is available, whereby the municipal court can receive notifications from jails. If internet service is not available, the municipal court shall establish a telephone line with voicemail for the same purpose. Once a demanding municipal court receives the notice that its hold is the sole basis for the detention, the court shall hold a hearing within 2 days of receiving the notice; except that if the defendant has failed to appear at least twice in the case and the jail is in a different county than the county where the municipality is located, the demanding

municipal court shall hold a hearing within 4 days. At the hearing the municipal court must either:

- Arraign the defendant; or
- If the defendant is being held for failure to appear, conduct the proceedings related to the failure to appear unless the proceeding is a trial or evidentiary hearing or requires the presence of a witness.

If the case is not resolved at the hearing, the municipal court shall conduct a bond hearing and release the defendant on bond under the least restrictive conditions possible. If the defendant does not appear before the municipal court within the required time frames, the jail holding the defendant shall release the defendant on an unsecured personal recognizance bond with no other conditions returnable to the municipal court. A municipal court shall adopt standing orders to effectuate the defendant's release if the defendant is not transferred to the municipal court within the required time frames.

APPROVED by Governor June 6, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CRIMINAL LAW AND PROCEDURE

S.B. 17-8 Dangerous and illegal weapons - legalization of gravity knives and switchblade knives. The act legalizes the possession of a gravity knife or switchblade knife by removing such knives from the definition of "illegal weapon".

APPROVED by Governor March 23, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-15 Advertising for unlawful sale of marijuana - misdemeanor - exception. The act makes it a level 2 drug misdemeanor for a person not licensed to sell medical or retail marijuana to knowingly advertise for the sale of marijuana or marijuana concentrate. The bill excludes primary caregivers from the crime.

APPROVED by Governor April 4, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-30 Agriculture - livestock - anabolic steroids. For the purposes of the schedules of controlled substances, the act exempts from the definition of "anabolic steroid" human chorionic gonadotropin licensed for animal use only if it is expressly intended for administration through implants or injection into cattle or other nonhuman species and has been approved by the secretary of health and human services for such administration.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-51 Crime victims' rights. The act makes various amendments to statutes concerning the rights of crime victims, including the following:

- The definition of "crime" is amended to include:
 - Failure to stop at the scene of an accident that results in serious bodily injury of another person;
 - Violation of a protection order issued against a person charged with stalking; and
 - Posting a private image for harassment or for pecuniary gain.
- The definition of "critical stages" is amended to include any full parole board review hearing.
- The definition of "modification of sentence" is amended to include a resentencing following a probation revocation hearing or a request for early termination of probation.

The act creates a victim's right:

- To be informed of any request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim. "Request for progression" includes any request for off-grounds or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough.
- To address a community corrections board via telephone or similar technology if the victim is unavailable to appear in person at a proceeding to consider an offender for a direct sentence or transitional referral to community corrections, provided that the victim notifies the community corrections board within a reasonable time that he or she would like to so appear;
- To be informed of the results of a probation or parole revocation hearing; and
- To be informed of the governor's decision to commute or pardon a person convicted of a crime against the victim before such information is publicly disclosed.

The act requires a district attorney's office, if practicable, to inform a victim of any pending motion to sequester the victim from a critical stage in the case.

Unless a victim requests otherwise, the district attorney shall inform each victim of the right to receive information from the state mental health hospital concerning the custody and release of a person convicted of a crime against the victim and ordered by a court into the hospital's care, including how the victim may request notification from the hospital.

Upon the written request of a victim, the Colorado mental health institute at Pueblo or the Colorado mental health institute at Fort Logan shall notify the victim of certain information regarding any person who was charged with or convicted of a crime against the victim.

The act requires the juvenile parole board to report additional information concerning juvenile parole hearings.

The act requires the court to inform the probation department before any hearing regarding any request by a probationer for early termination of probation or any change in the terms and conditions of probation.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-66 Peace officer sunrise process - inapplicable to employing municipal police. There is a sunrise review process for groups seeking peace officer status. The act clarifies that municipalities do not need to go through that process to employ a police force.

APPROVED by Governor April 4, 2017

EFFECTIVE April 4, 2017

S.B. 17-115 Possession of sexually exploitative material - exception for persons involved in the criminal case. Under current law there is an exception to the crime of possession of sexually exploitative material for peace officers while in the performance of their duties. The act provides the exception to a prosecutor, criminal investigator, crime analyst, or other individual who is employed by a law enforcement agency or district attorney's office and who performs or assists in investigative duties that may involve sexually exploitative materials, and a defendant's attorney and any employee of the attorney or person retained by the attorney who assists in a case involving sexually exploitative materials.

APPROVED by Governor April 18, 2017

EFFECTIVE April 18, 2017

S.B. 17-178 Conditions of release on bond - no bans on marijuana use for defendants who are medical marijuana patients. The act prohibits a court from imposing as a bond condition a ban on marijuana use if the person possesses a valid medical marijuana registry identification card.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-189 Background checks - fingerprint checks by private vendor. Under current law, there are a number of professions that require fingerprint-based background checks. Some of those statutory fingerprint requirements direct that the fingerprints must be taken by a law enforcement agency. The act removes the requirement that a law enforcement agency is the only authorized entity able to take the fingerprints and allows any vendor approved by the Colorado bureau of investigation (CBI) to take the fingerprints. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using CBI-approved or federal bureau of investigation-approved livescan equipment. The third party shall not keep the applicant information for more than 30 days unless requested to do so by the applicant.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-201 Domestic violence offender management board - members - officers - duties - sunset review. The act extends the domestic violence offender management board (board) until September 1, 2022. In addition, the act:

- Changes the appointment authority for 5 members of the board from the executive director of the department of regulatory agencies (DORA) to the executive director of the department of public safety (director);
- Changes the qualifications for 5 members of the board to require all to have

- experience in the field of domestic violence, at least 3 members to be licensed mental health professionals, and at least 3 to be on the list of approved providers published by the board;
- Requires the director to consult with a statewide organization of criminal defense attorneys prior to appointing the private defense attorney to the board;
- Repeals language concerning staggered terms for members of the initial board;
- Authorizes the board to elect a presiding officer rather than having the director appoint the presiding officer;
- Requires the board to include a procedure for when no treatment is recommended;
- Changes the responsibility for the review of providers' applications and review of mandatory continuing education course requirements from DORA to the board; and
- Makes the board solely responsible for publishing the list of approved providers and relieves DORA of this responsibility.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1015 Jails - reductions of sentences. The act consolidates and clarifies various statutory sections concerning reductions of sentences for county jail inmates.

APPROVED by Governor March 23, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1039 Restorative justice - suitability determination in plea bargain - eligibility presentence report. The act allows the district attorney to consent to an assessment for suitability for participation in restorative justice practices, including victim-offender conferences, as part of a recommended sentence in a plea bargain. The act directs that the presentence report must indicate whether the offender meets the minimum eligibility requirements for participation in restorative justice practices.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1040 Wiretapping - additional crimes. Under current law, a judge may issue an ex parte order authorizing the interception of certain communications if there is probable cause to believe that evidence of a crime that is on the statutory list will be obtained. The act adds

to the list of crimes human trafficking for involuntary servitude and for sexual servitude.

APPROVED by Governor March 23, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1048 Insurance fraud. The act amends language describing the criminal offense of insurance fraud.

The act states that, for criminal offenses relating to insurance fraud, the period within which a prosecution must be commenced begins to run upon discovery of the criminal or delinquent act.

Current law provides immunity to persons, insurers, and authorized agencies that act in good faith to cooperate, furnish evidence, or provide information concerning an actual or suspected fraudulent insurance act. The act extends this immunity to secondary agencies that do the same.

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1056 Sentencing - community or useful public service - placement - organizations eligible to accept services. Currently, only an organization that is exempt from taxation under section 501 (c)(3) of the federal internal revenue code (tax code) may accept services offered through a program of community or useful public service operated by a county court, probation department, county sheriff, or other local governmental entity in connection with sentencing for specified misdemeanors. Veterans' service organizations may be organized under other provisions of the tax code, such as section 501 (c)(4) or 501 (c)(19).

The act expands the criteria for organizations that may accept community or useful public service assignments to include veterans' service organizations organized under 501 (c)(4) or 501 (c)(19) of the tax code, and specifies that the court or other entity making the assignment retains discretion to determine which organizations may be included in its program of community or useful public service. Section 1 amends the statute dealing with misdemeanor sentencing generally. Sections 2 and 3 insert analogous provisions into the statutes dealing specifically with sentencing of persons convicted of drug offenses and alcohol-related driving offenses, respectively.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

H.B. 17-1071 Refund of costs or restitution following reversal. The act establishes a process for a defendant who has paid a monetary amount due for a criminal conviction in a district or county court to request a refund of the amount paid if:

- The conviction was overturned and either the charges were dismissed or the person was acquitted following a new trial; or
- All or part of an order for restitution was reversed and the defendant paid more restitution than was ultimately ordered.

The act directs the state court administrator to pay to the defendant the amount of any refund found due.

APPROVED by Governor March 23, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1072 Human trafficking - sexual servitude - elements - sex offender registry. The act amends the language defining the crime of human trafficking of a minor for sexual servitude to include a person who knowingly advertises, offers to sell, or sells travel services that facilitate activities defined as human trafficking of a minor for sexual servitude. "Travel services" are defined in the act. Current law requires a person convicted of human trafficking of a minor for sexual servitude to be placed on the Colorado sex offender registry; the act extends that requirement to persons convicted of human trafficking of any person of any age. The act adds a provision allowing a person who was convicted of human trafficking for sexual servitude to petition the court to discontinue the person's duty to register on the sexual offender registry if he or she can establish, by a preponderance of the evidence, that at the time he or she committed the offense, he or she had been trafficked by another person for the purpose of committing the offense.

APPROVED by Governor May 25, 2017

EFFECTIVE September 1, 2017

H.B. 17-1077 Useful public service cash fund - created. The useful public service cash fund is created for the judicial branch to facilitate the administration of programs that supervise the performance of useful public service by persons who are required to perform such service pursuant to a criminal sentence.

APPROVED by Governor May 21, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1109 Sex assault-on-a-child pattern offenses - jurisdiction. In current law, several sex-assault-on-a-child crimes are designated "pattern" offenses, meaning that the defendant has a pattern of sexually assaulting the same child repeatedly. When such assaults occur in more than one jurisdiction, the district attorney in each such jurisdiction must prosecute a case for the incident that occurred in his or her jurisdiction. For a defendant charged with sex-assault-on-a-child pattern offense or sex-assault-on-a-child-in-a-position-of-trust pattern offense, the act allows the prosecution to charge and try for all such assaults:

- In a county where at least one or more of the incidents of sexual contact

- occurred; or
 - In a county where an act in furtherance of the offense was committed.

APPROVED by Governor April 4, 2017

EFFECTIVE April 4, 2017

H.B. 17-1138 Department of public safety - report data concerning bias-motivated crimes. The act requires the department of public safety to include in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing information concerning reports submitted by law enforcement agencies concerning crimes committed in the state during the previous year, including but not limited to information concerning reports of bias-motivated crimes.

APPROVED by Governor April 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1150 Right to bail after conviction - exceptions for certain domestic violence and stalking offenders. Current law allows a court to grant bail after a person is convicted, pending sentencing or appeal; except that no bail is allowed for persons convicted of certain specific crimes. To this list of crimes the act adds:

- A second or subsequent conviction for stalking that occurs within 7 years after the date of a prior offense for which the person was convicted;
 - Stalking when there was a protection order, injunction, or condition of bond, probation, or parole or any other court order in effect that protected the victim from the person; and
 - Any offense that includes an act of domestic violence if the defendant at the time of sentencing has been previously convicted of 3 or more prior offenses that included an act of domestic violence and that were separately brought and tried and arising out of separate criminal episodes.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1172 Human trafficking - of a minor for sexual servitude - mandatory minimum sentence. The act requires a court to sentence a person convicted of a class 2 felony for human trafficking of a minor for sexual servitude to the department of corrections for a term of at least the minimum of the presumptive range for a class 2 felony, which is 8 years.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1188 Bias-motivated crimes - harassment based on a person's physical or mental disability or sexual orientation. Colorado's law concerning bias-motivated crimes prohibits the intimidation or harassment of another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation. However, Colorado's harassment statute makes harassment a class 1 misdemeanor if the offender commits harassment with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, or national origin. The act adds physical or mental disability and sexual orientation to the categories described in the harassment statute to make the statute consistent with Colorado's law concerning bias-motivated crimes.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1215 Mental health support for peace officers. The act encourages each sheriff's office and each municipal police department to adopt a policy whereby mental health professionals, to the extent practicable, provide:

- On-scene response services to support officers' handling of persons with mental health disorders; and
- Counseling services to officers.

The act creates the peace officers mental health support grant program (grant program) in the department of local affairs (department) to provide grants of money to county sheriffs' offices and municipal police departments to help them engage mental health professionals. Each sheriff's office and each municipal police department is encouraged to apply annually for a grant from the grant program.

The act creates the peace officers mental health support fund (fund), which consists of gifts, grants, and donations and any other money that the general assembly may appropriate or transfer to the fund. The executive director of the department, or his or her designee, may expend money from the fund for the purposes of the grant program.

The grant program repeals September 1, 2027.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1220 Residential marijuana cultivation - plant cap - penalties. The act places a cap on the number of plants that can be possessed or grown on a residential property at 12 plants, unless the local jurisdiction permits possessing or growing more than 12 plants, then the cap is 24 plants. If a person is allowed to grow between 12 and 24 plants, the person must provide notice to his or her local jurisdiction if required by the local jurisdiction. The criminal penalties for violating the cultivation limit are:

- A level 1 drug petty offense for a first offense if the offense involves more than 12 plants, punishable by a fine of up to \$1,000;
- A level 1 drug misdemeanor for a second or subsequent offense if the offense involves more than 12 but not more than 24 plants; or
- A level 3 drug felony for a second or subsequent offense if the offense involves more than 30 plants.

A medical marijuana patient or primary caregiver who cultivates more than 12 plants must cultivate the plants in compliance with applicable city, county, or city and county law.

The act requires a patient or primary caregiver cultivating medical marijuana to comply with all local laws, regulations, and zoning requirements.

APPROVED by Governor June 8, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1252 Judgment for costs - courts to collect costs. The act clarifies that when a person is convicted of a criminal offense, upon proper motion of the prosecuting attorney and at the discretion of the court, the court shall collect from the person any reasonable and necessary costs incurred by the prosecuting attorney or law enforcement agency that are directly the result of the successful prosecution of the person and transfer such costs to the prosecuting attorney or law enforcement agency.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1266 Sealing of criminal justice records relating to convictions for misdemeanor marijuana offenses that are no longer illegal. The act allows persons who were convicted of misdemeanors for the use or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been a criminal offense if the behavior had occurred on or after December 10, 2012. The court shall order the record sealed after the filing fees are paid, the petitioner establishes the offense is eligible for sealing, and the petition is posted on the website of the state court administrator for 30 days.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1302 Sexting - posting a private image by a juvenile - possessing a private image by a juvenile - exchange of private images - school sexting curriculum. The act creates the criminal offense of posting a private image by a juvenile. The offense can be committed in 2 ways. The first way is if a juvenile, through digital or electronic means, knowingly

distributes, displays, or publishes to the view of another person a sexually explicit image of a person other than himself or herself who is at least 14 years of age or is less than 4 years younger than the juvenile:

- Without the depicted person's permission; or
- When the recipient did not solicit or request to be supplied with the image and suffered emotional distress; or
- When the juvenile knew or should have known that the depicted person had a reasonable expectation that the image would remain private.

The second way is if the juvenile knowingly distributes, displays, or publishes, to the view of another person who is at least 14 years of age or is less than 4 years younger than the juvenile, a sexually explicit image of himself or herself when the recipient did not solicit or request to be supplied with the image and suffered emotional distress. The offense is a class 2 misdemeanor; except that it is a class 1 misdemeanor if:

- The juvenile committed the offense with the intent to coerce, intimidate, threaten, or otherwise cause emotional distress to the depicted person; or
- The juvenile had previously posted a private image and completed a diversion program or education program for the act pursuant to the provisions of the bill or had a prior adjudication for posting a private image by a juvenile; or
- The juvenile distributed, displayed, or published 3 or more images that depicted 3 or more separate and distinct persons.

The act creates the criminal offense of possessing a private image by a juvenile that prohibits a juvenile, through digital or electronic means, from knowingly possessing a sexually explicit image of another person who is at least 14 years of age or is less than 4 years younger than the juvenile without the depicted person's permission. It is not an offense if the juvenile:

- Took reasonable steps to either destroy or delete the image within 72 hours after initially viewing the image; or
- Reported the initial viewing of such image to law enforcement or a school resource officer within 72 hours after initially viewing the image.

The offense is a petty offense; except that it is a class 2 misdemeanor if the unsolicited possessor of the image possessed 10 or more separate images that depicted 3 or more separate and distinct persons.

The act creates a civil infraction of exchange of a private image by a juvenile if a juvenile, through digital or electronic means:

- Knowingly sends a sexually explicit image or images of himself or herself to another person who is at least 14 years of age or is less than 4 years younger than the juvenile, and the image or images depict only the sender and no other person and the sender reasonably believed that the recipient had solicited or otherwise agreed to the transmittal of the image or images; or
- Knowingly possesses a sexually explicit image or images of another person who is at least 14 years of age or is less than 4 years younger than the juvenile, and the image or images depict only the sender and no other person and the

juvenile reasonably believed that the depicted person had transmitted the image or images or otherwise agreed to the transmittal of the image or images.

The civil infraction can be punished by participation in a program designed by the school safety resource center or other appropriate program addressing the risks and consequences of exchanging a sexually explicit image of a juvenile or a fine of up to \$50, which may be waived by the court upon a showing of indigency.

If a juvenile's conduct is limited to the elements of the petty offense of possession of a private image by a juvenile or limited to the elements of the civil infraction of exchange of a private image by a juvenile, then the juvenile cannot be charged with sexual exploitation of a child. If a juvenile is charged with posting a private image by a juvenile, he or she cannot be charged with sexual exploitation of a child. The act allows a juvenile to petition the court to not impose sex offender registration if he or she is charged with sexual exploitation of a child and the juvenile's conduct satisfies posting a private image by a juvenile or possession of a private image by a juvenile. It is an affirmative defense to the two criminal offenses and the civil infraction if a juvenile is coerced, threatened, or intimidated into distributing, displaying, publishing, possessing, or exchanging a sexually explicit image of a person under 18 years of age. The court must order the records of any of the 2 criminal offenses or civil infraction expunged within 42 days of completion of the sentence or program.

The act requires the school safety resource center to make available a sexting curriculum for school districts to use.

The act takes effect January 1, 2018, and applies to offenses committed on or after said date.

APPROVED by Governor June 6, 2017

EFFECTIVE January 1, 2018

H.B. 17-1313 Forfeiture - reports from seizing agencies - reports to general assembly - limit on receipt of federal forfeiture proceeds - appropriation. The act requires the executive director of the department of local affairs (department), after considering the input from specified interested parties, to establish a form for law enforcement agencies, prosecutors, and multijurisdictional task forces (seizing agencies) to use in submitting to the department biannual reports containing specified information on seizures through which the seizing agencies received proceeds from a forfeiture and the use of the proceeds. Based on the reports, the department is to post on its website a searchable database that includes the information contained in the biannual reports and a summary report of the information.

Seizing agencies are required to submit the biannual reports containing information known to the agency by specified dates; except that an agency need not include information if the disclosure of the information could endanger a person or disclose certain confidential information. Seizing agencies are required to pay civil penalties for failure to file or late filing of the reports.

The act directs the executive director of the department to submit an annual report to the governor, the attorney general, and the judiciary committees of the general assembly on seizure and forfeiture activity in the state.

The act prohibits seizing agencies from receiving forfeiture proceeds from the federal government unless the aggregate net equity value of the property and currency seized in the case is in excess of \$50,000 and the federal government commences a forfeiture proceeding that relates to a filed criminal case.

The act appropriates \$84,451 to the department.

APPROVED by Governor June 9, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1330 Habitual criminals - no use of escape convictions to adjudicate an habitual criminal. Current law states that a conviction for escape or for attempt to escape may not be used for the purpose of adjudicating a person an habitual criminal unless the conviction is based on the offender's escape or attempt to escape from a correctional facility. The act clarifies that this prohibition applies to both current and prior convictions for escape and attempt to escape. The act also states that for the purposes of this prohibition, "correctional facility" does not include a community corrections facility or a halfway house.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1360 Criminal record sealing - municipal offense with subsequent conviction. Under current law, a defendant may petition a court to have a municipal offense or petty offense sealed if the person was not charged or convicted of another crime within 3 years after the discharge of the municipal or petty offense. The act allows sealing of a municipal offense that did not involve domestic violence or a petty offense if the person had a single nonfelony conviction that did not involve domestic violence, unlawful sexual behavior, or child abuse during that 3-year period and no other convictions for 10 years after the subsequent offense. The act repeals the additional sealing filing fee of \$200.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1367 Marijuana research - research and development license - medical research - pesticide research - appropriation. The act creates a marijuana research and development license that allows the holder to possess marijuana for research purposes and a marijuana research and development cultivation license that allows the holder to grow, cultivate, possess, and transfer marijuana for research purposes. An applicant must submit with the license application a description of the research to be conducted, and if the research involves a public entity or public money, then the scientific advisory commission shall review and assess the research project. A marijuana research and development cultivation licensee may

only sell marijuana it grows to other marijuana research and development cultivation licensees and marijuana research and development licensees. A marijuana research and development licensee or marijuana research and development cultivation licensee may contract with a public research institution of higher education or another marijuana research and development licensee. The state licensing authority may promulgate rules related to marijuana research and development licenses and marijuana research and development cultivation licenses.

The act allows a medical marijuana testing facility licensee to test medical marijuana and medical marijuana-infused products for marijuana research and development licensees and marijuana research and development cultivation licensees, and marijuana or marijuana-infused products grown or produced by a registered patient or registered primary caregiver on behalf of a registered patient, upon verification of registration and verification that the patient is a participant in a clinical or observational study conducted by a marijuana research and development licensee or marijuana research and development cultivation licensee.

The act directs the department of public health and environment to use marijuana taxes to make research grants regarding the medical efficacy of Colorado-grown strains of medical marijuana. The act allows a licensed medical or retail marijuana facility to transfer marijuana to a research facility for purposes of the medical research. It also allows the use of medical or retail marijuana by a pesticide manufacturer in limited quantities as specified in rules promulgated by the state licensing authority that authorize a pesticide manufacturer to conduct research to establish safe and effective protocols for the use of pesticides on medical or retail marijuana. A state, local, or municipal agency is prohibited from employing or using the results of a test of medical or retail marijuana conducted by an analytical laboratory that is not certified by the department of public health and environment and accredited to an accepted industry standard in that field of testing.

The act appropriates \$226,671 from the marijuana cash fund to the department of revenue to implement the act, of which \$95,050 and 0.5 FTE is reappropriated to the department of law.

BECAME LAW June 10, 2017

PORTIONS EFFECTIVE August 9, 2017

PORTIONS EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1369 Bond surety protection - exoneration of the bond posted for persons not appearing in court due to immigration-related issues - county jail assistance fund - repeal.

A compensated surety or a bail bonding agent who posted bond, or a noncompensated surety, such as a family member or friend, who executed a bail bond for a defendant, is exonerated from liability on the bond when the defendant doesn't appear in court due to immigration-related issues if the compensated surety or the noncompensated surety provides satisfactory evidence to the court that the defendant has been detained by or removed from the United States. The court is required to exonerate the bail bond if all of the following occur:

- The compensated or noncompensated surety files a motion requesting exoneration of the bail bond;
- The compensated or noncompensated surety files an affidavit along with the motion stating that the surety has received information from the United States department of homeland security, the United States immigration and customs enforcement, or a foreign consulate that the defendant has been detained by or removed from the United States. If the surety is unable to obtain such information from the above sources, the surety must file an affidavit that is signed under penalty of perjury by a person with personal knowledge that the defendant has been detained by or removed from the United States.
- The district attorney does not object.

If the court exonerates the liability on the bail bond and the bond premium has been paid, any collateral securing the bail bond is released.

A provision that requires notification of people or sureties that their bond or fees will be forfeited if the defendant is removed from the country is repealed. On and after June 6, 2017, a law enforcement agency holding a person charged with a criminal offense is prohibited from notifying the defendant's bail bonding agent or noncompensated surety before the bond is posted that his or her bond or fees will be forfeited if the defendant is removed from the country, and law enforcement officers are prohibited from asking a defendant or a person other than a bail bonding agent to execute a waiver that states that he or she understands that the bond or fees shall be forfeited if the defendant is removed from the country. A bail bonding agent shall not communicate to a defendant that his or her bond fees shall be forfeited if the defendant is removed from the country.

The act repeals a statute requiring the crediting of revenue from forfeited bonds into the county jail assistance fund. The state treasurer is required to transfer the unexpended and unencumbered money remaining in the county jail assistance fund on June 30, 2017, to the general fund. The county jail assistance fund is abolished and the statute creating that fund is repealed on July 1, 2017.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

EDUCATION - PUBLIC SCHOOLS

S.B. 17-25 Marijuana resource bank and curricula - requests for information - appropriation. The act directs the department of education (department):

- To create and maintain a resource bank, to be known as the "Jack Split Memorial Resource Bank" (resource bank), for public schools to use without charge, that consists of materials and curricula pertaining to marijuana use by July 1, 2017;
- To solicit requests for information and input from persons within and outside of the marijuana industry concerning the resource bank; and
- Upon request of a public school, to provide technical assistance in designing age-appropriate curricula on marijuana use.

The act authorizes the department to contract for the maintenance of the resource bank and the development of the curricula.

After the resource bank and curricula are available, school districts, charter schools, and boards of cooperative services are encouraged to report to the department the effectiveness of the materials and recommendations for changes.

The act authorizes resource bank expenses to be paid from the marijuana tax cash fund and appropriates \$47,000 from the cash fund to the department.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

S.B. 17-52 Public education - pupil enrollment. The act implements 2 recommendations related to title 22 from the department of education to the statutory revision committee.

The first recommendation is to change the single remaining statutory reference in title 22 that names October 1 as a mileage or pupil enrollment count date to the "pupil enrollment count day, as defined in section 22-54-103 (10.5)" in order to conform with the rest of the references in title 22.

The second recommendation is to delete from statute the phrases "accredited independent school" and "accredited nonpublic school" because the state board of education does not accredit either type of school.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-68 School counselors - behavioral health care professionals in schools - grant programs - inclusion of elementary schools. Under current law, a public school that includes any of grades 7 through 12 is eligible to receive a grant through the behavioral health care professional matching grant program. The act adds elementary schools to the list of public schools eligible to receive a grant through the program.

Under current law, a public middle, junior, or high school is eligible to receive a grant through the school counselor corps grant program. The act adds elementary schools to the list of public schools eligible to receive a grant through the program.

APPROVED by Governor April 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-76 Accountability - school awards - funding. The law that existed before passage of the act authorized the department of education to accept gifts, grants, and donations to use in making monetary awards to certain high-performing public schools and to purchase tangible items of recognition for the schools. The act specifies that the department of education may expend any amount received as a gift, grant, or donation for this purpose without further appropriation.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-103 Accreditation - corrective actions - research-based early learning strategies - no appropriation. Before passage of the act, the statutes required the department of education (department) to provide technical assistance and support to school districts, the state charter school institute (institute), and public schools that operate under an improvement plan, priority improvement plan, or turnaround plan. The act specifies that the technical assistance may include consultation concerning strategies that address the quality and availability of early childhood education opportunities.

Each school district and public school must conduct a needs assessment when preparing its performance plan. The act specifically requires an early childhood learning needs assessment, in addition to the general needs assessment, for school districts that include a public school that is operating under a priority improvement or turnaround plan and enrolls students in kindergarten through third grade and for public schools that serve children in kindergarten through third grade.

Before passage of the act, the statutes specified several actions that a public school may take if it is low performing. The act expands the list of actions for a public school that serves children in kindergarten through third grade to include investing in research-based strategies to address any deficiencies identified in the early childhood learning needs assessment if those deficiencies are a direct cause of the public school's low performance and the public school has not previously implemented the strategies with success. A public school may implement these strategies only in combination with at least one of the other research-based strategies identified in law.

The act requires the department to implement the act within existing appropriations.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

S.B. 17-123 High school diploma endorsement - biliteracy. The act authorizes a school district, board of cooperative services, or institute charter high school to grant a diploma endorsement in biliteracy to a student who demonstrates proficiency in English and at least one world language. The act establishes the requirements a graduating high school student must meet to obtain the biliteracy endorsement.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-144 School data - reporting - education data advisory committee - continuation under sunset law. The act extends the repeal date of the education data advisory committee from July 1, 2017, to July 1, 2022, subject to a sunset review by the department of regulatory agencies.

APPROVED by Governor April 6, 2017

EFFECTIVE April 6, 2017

S.B. 17-173 School finance - adjustment to FY 2016-17 funding - appropriation. The general assembly finds that the actual funded pupil count and the actual at-risk pupil count were less than anticipated during the 2016 legislative session. In addition, local property tax and specific ownership tax receipts were less than anticipated, reducing the local share of total program funding. The act reflects the general assembly's intent to maintain the state share of school districts' total program funding at the level of the original appropriation during the 2016 legislative session, and to adjust total program funding, after application of the negative factor, to reflect a reduction in the negative factor. The sum of the total program funding for all districts for the 2016-17 budget year is adjusted to \$6,372,284,194.

The act appropriates \$3,950 cash funds from the state education fund to align the hold-harmless full-day kindergarten funding with the change in total program funding.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-272 Accreditation - postsecondary and workforce readiness indicator - college and career readiness indicator. One of the existing statutory performance indicators for determining the level of performance of a public high school, a school district, the state charter school institute (institute), or the state is the degree to which high school graduates demonstrate postsecondary and workforce readiness. Before passage of the act, the performance indicator was measured by the high school's graduation and dropout rates; the percentage of high school graduates who receive a diploma with a postsecondary and workforce readiness endorsement; students' scores on the state assessments administered in grades 9 through 11, including the achievement college entrance exam; and the percentages of students who graduate and matriculate in the next school year into a postsecondary education option.

The act adds as an additional measure for determining attainment of the

postsecondary and workforce indicator the percentage of students enrolled in high school who demonstrate college and career readiness, based on the demonstration options available to the students enrolled in each public high school, at a level that indicates that the student is prepared to enroll in postsecondary general education core courses in reading, writing, and math without needing remediation.

The act defines the demonstration options as those adopted by the state board of education in adopting the high school graduation guidelines. The state board must set achievement standards for each demonstration option that indicate the minimum achievement level required for high school graduation and a higher achievement level that indicates that the student is prepared to enroll in postsecondary general education core courses in reading, writing, and math without needing remediation.

The act requires each school district and the institute to report to the department of education the graduation requirements that the school district, each charter high school of the school district, and each institute charter high school adopts, including the options available to high school students for demonstrating college and career readiness.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-296 Financing public schools - computer science teacher grants - appropriation. The act sets the statewide base per pupil funding amount for the 2017-18 budget year at \$6,546.20, which is an inflationary increase of 2.8%, and establishes the minimum amount of total program funding for the 2017-18 budget year.

The act requires that the sum of the total program funding for all schools for the 2017-18 budget year is not less than \$6,634,600,182.

The act changes the terminology used in the school finance act to describe the reduction in the state's share of total program funding from the amount specified in the school finance formula from the phrase "negative factor" to "budget stabilization factor".

The act creates a grant program in the department of education that awards grants to teachers to pursue additional education for additional education to enable a teacher or teachers in a school district to teach computer science courses.

Under current law, a teacher must swear or affirm under oath, and a professor or instructor at a state institution of higher education must swear or affirm under oath, to uphold the United States constitution and the state constitution. In addition to swearing or affirming under oath, the act allows a teacher, instructor, or professor to sign a written pledge.

The act adds new issues for study by a legislative interim committee on school finance.

The act appropriates \$500,000 from the state education fund to the department of

education for computer science education grants for teachers.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1003 Teachers - plan to address teacher shortage. The act requires the department of higher education in partnership with the department of education to examine recruitment, preparation, and retention of teachers and to prepare a strategic plan to address teacher shortages in school districts and public schools within the state. The departments must collaborate with institutions of higher education, school districts, and other education interest groups in preparing the plan. The department of higher education must submit the plan to the Colorado commission on higher education, the state board of education, and the education committees of the general assembly by December 1, 2017.

APPROVED by Governor May 21, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1041 Individual career and academic plan - career pathways - military enlistment. In assisting a student and his or her parent in creating the student's individual career and academic plan, personnel at a public school must explain to the student and parent the various career pathways and the types of certificates and jobs to which the pathways lead and discuss the skills and educational opportunities available through military enlistment. The public school personnel are also encouraged to provide to the student information concerning the military enlistment test.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1082 Building Excellent Schools Today Act - clarification of definition of technology - technology grants as authorized form of financial assistance - consideration of annualized utility costs. The act amends the definition of "capital construction" used for purposes of the "Building Excellent Schools Today Act" (BEST) to include "technology" and defines "technology" for purposes of BEST to include hardware, devices, or equipment necessary for individual student learning and classroom instruction, including access to electronic instructional materials, or necessary for professional use by a classroom teacher. The new definition of "technology" is incorporated into the existing requirement that the public school capital construction assistance board's (BEST board) public school facility capital construction guidelines address technology.

The act also clarifies that the BEST board may provide financial assistance to public schools in the form of technology grants, requires the BEST board to annually notify potential applicants for financial assistance that it will accept applications for technology grants, and requires the project lists in the BEST board's annual report to include sublists of technology projects for which financial assistance has been awarded or applied for and

denied. Annualized utility costs are added as a factor to be considered by the BEST board when preparing a statewide financial assistance priority assessment and an applicant for BEST financial assistance is allowed to include in its application a statement of its annualized utility costs and the amount of any reduction in those costs expected to result if the applicant receives financial assistance.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1160 READ act - English language learners - language of assessment. The act specifies that, if a student enrolled in kindergarten or one of grades one through 3 is an English language learner, the school district or charter school (local education provider) in which the student is enrolled will decide whether the student takes the reading assessments in English or in the student's native language if there is an approved assessment available in the student's native language. If the student takes the assessments in his or her native language, the local education provider may also administer the assessments in English if requested by the student's parent. If a student who is an English language learner takes the reading assessments in his or her native language, the local education provider must determine the level of English proficiency at which the student will take the reading assessments in English and communicate that proficiency level to the student's parent.

In determining whether a student takes the reading assessment in English or another language, the local education provider must review the student's score on the assessment administered pursuant to the local education provider's English language proficiency program. If the student scores within a range identified by the local education provider as demonstrating partial proficiency or higher in English, the student must take at least one of the reading assessment each year in English.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1180 Career and technical education certificate programs - tuition assistance. Under the tuition assistance program for students enrolled in career and technical education certificate programs (certificate programs) as created in 2015, students enrolled in certificate programs could qualify for tuition assistance if they met the income eligibility requirements for the federal Pell grant program but the certificate program did not meet the Pell grant minimum credit hour requirements. Under the act, the tuition assistance program is available to students who are enrolled in certificate programs that do not meet the minimum credit hour requirements for the federal Pell grant program and who meet an income eligibility standard set by the Colorado commission on higher education. The act clarifies that "tuition assistance" means money a student may use to pay for tuition, fees, and course materials.

APPROVED by Governor March 30, 2017

EFFECTIVE March 30, 2017

H.B. 17-1181 State assessments - ninth grade assessment - decrease in appropriations. Before passage of the act, each local education provider was required to administer the state assessments in math and English language arts to ninth-grade students and to administer a state-selected assessment to tenth-grade students. The act repeals the requirement to administer the state assessment to ninth-grade students. Instead, local education providers

must administer a state-selected ninth-grade assessment that is aligned with the ninth-grade content standards and the assessment administered to tenth-grade students. The department of education must ensure that, under the testing schedule, ninth-grade students take the state-selected assessment in the spring semester.

The act decreases by \$642,786 the state education fund appropriation to the department of education that was made in the general appropriation act for the 2017-18 state fiscal year.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1184 State academic standards - digital literacy - computer science resource bank. Under current law, the state board of education (state board) must, by July 1, 2018, review and revise, as necessary, the state academic standards. The act directs the state board, in the course of revising the academic standards, to incorporate into the standards for each subject skills relating to the use of information and communications technologies to find, evaluate, create, and communicate information.

The act directs the department of education (department) to create a publicly available resource bank of materials pertaining to computer science programs, including sample standards, samples of curricula, and materials for professional educator development. The department must work with experts in creating and compiling the information. The resource bank is to be available by July 1, 2018. Each school district, charter school, and board of cooperative services may choose whether to provide computer science courses and whether to use the materials in the resource bank. The resource bank will include a listing of schools and school districts that are interested in finding industry professionals to co-teach courses in computer science.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1201 High school diploma endorsement - STEM. The act authorizes a school district, board of cooperative services, district charter high school, or institute charter high school (local education provider) to grant a high school diploma endorsement in science, technology, engineering, and mathematics (STEM) to students who demonstrate mastery in STEM. To obtain the endorsement, a student must complete the high school graduation requirements at a high level of proficiency, complete with a specified minimum GPA 4 STEM courses selected by the local education provider in addition to the high school graduation requirements in these subjects, achieve a minimum score specified in the act on one of several specified mathematics assessments, and successfully complete a final capstone project. To successfully complete the capstone project, the student must achieve a high proficiency level of mastery, as set by the local education provider, for each of the competencies specified in the act. The local education provider is required to work with STEM-related business and industrial leaders and institutions of higher education in setting the high proficiency levels of mastery. The local education provider must annually notify

students and their parents beginning in sixth grade of the requirements for obtaining a STEM diploma endorsement.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

H.B. 17-1211 School discipline - discipline strategies pilot program. The act creates the discipline strategies pilot program (pilot program) to provide money to school districts, boards of cooperative services, and charter schools for professional development for educators in the use of culturally responsive methods of student discipline for students enrolled in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade. The department of education (department) and the state board of education (state board) must implement the pilot program by reviewing applications, awarding grants, and preparing a report concerning implementation of the pilot program, including its success in reducing the use of exclusionary discipline practices. The department must submit the report to the state board, the joint budget committee, and the education committees of the general assembly.

The pilot program must be paid for exclusively with gifts, grants, and donations. The department and the state board are not required to implement the pilot program in a year in which they do not receive a sufficient amount in gifts, grants, and donations. The pilot program is repealed on July 1, 2020.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

H.B. 17-1267 Statutory reporting requirements - repeal or continuation of reports to general assembly - education agencies. **Statutory Revision Committee.** Currently, education agencies are required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals certain agencies' obligations to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1271 School districts - innovation districts - approval. Before passage of the act, when a school district submitted an innovation plan for one or more schools of the school district, the state board of education (state board) was required to approve the plan and designate the school district as a district of innovation unless the plan was likely to decrease academic achievement or was not fiscally feasible. Once the plan was approved, the state board was required to grant any statutory waivers included in the plan.

The act changes the standard for approving an innovation plan. The state board must approve an innovation plan if it finds that the plan is likely to enhance educational

opportunity and quality within the school district, which is similar to the standard for approving statutory waivers under other circumstances, and the plan is fiscally feasible. Once the plan is approved, the state board will still grant any statutory waivers included in the plan. Later, if the district of innovation seeks additional statutory waivers under the innovation plan, the state board must grant the waivers if it finds that the waivers are likely to enhance educational opportunity and quality within the school district and are fiscally feasible.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1276 Use of restraints in public schools - certain restraints prohibited. With certain exceptions, the act prohibits the use of a chemical, mechanical, or prone restraint upon a public school student. Each school district shall require any school employee or volunteer who uses any type of restraint on a student to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

The act requires each school district to establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year.

The act requires the state board of education to promulgate rules on or before November 1, 2017, establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school, charter school, or institute charter school.

The act requires each school district and the state charter school institute to include in its conduct and discipline code information concerning the school district's or institute's policies for the use of restraint and seclusion on students, including information concerning the process for filing a complaint regarding the use of restraint or seclusion.

The act appropriates \$18,414 for the office dropout prevention and student reengagement.

APPROVED by Governor May 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1294 Graduation rate - ASCENT program. The act clarifies that a student who participates in the accelerating students through concurrent enrollment program, which allows the student to remain enrolled as a high school student while concurrently enrolling in postsecondary courses during the school year immediately following the student's twelfth-grade year, is counted in the enrolling school district's or institute charter school's

graduation rate in the year in which the student completes the high school graduation requirements.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1301 Student records - prohibition on withholding records for unpaid fines. The act removes the authority of a board of education of a school district, a charter school, an institute charter school, and a school operated by a board of cooperative services (local education provider) to withhold records required for enrollment in another school or institution of higher education or a student's grades, transcripts, or diploma for failure to pay any fine or fee assessed by the local education provider, to return or replace textbooks or library resources, or to return other school property. The local education provider shall make reasonable efforts to obtain payment of an assessed fee or fine or payment for lost or damaged textbooks, library resources, or other school property.

APPROVED by Governor May 17, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1332 Alternative teacher license - programs through designated agencies. The act provides that the state board of education may issue an alternative teacher license to an applicant who agrees to participate fully in a one-year or 2-year alternative teacher program provided by a designated agency, which may include working in a nonpublic child care facility or other preschool facility. The state board of education may promulgate rules necessary to implement the act.

APPROVED by Governor May 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1340 Legislative interim committee studies - school finance - appropriation. The act creates a legislative interim committee to study school finance issues and make legislative recommendations concerning how to most accurately meet the educational needs of students through the funding of education in Colorado. The interim committee will meet during the 2017 and 2018 legislative interims. The act specifies issues that the interim committee must study. The interim committee is required to contract with a private entity to assist in the study. The chair and vice-chair of the interim committee may appoint subcommittees to provide technical assistance to the interim committee. The subcommittees may include members of the interim committee and other persons with expertise in school finance.

The act appropriates \$380,869 to the legislative department from the state public school fund for the 2017-18 fiscal year for implementation of the act.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1375 School districts - charter schools - mill levy revenue distribution - waivers - reporting requirements - institute charter schools mill levy equalization fund. Beginning in the 2019-20 budget year, the act requires school districts that collect revenue from mill levies in addition to the total program mill levy and that authorize an innovation school or a charter school to:

- Adopt a plan for distributing the revenue to the schools of the school district for the benefit of the students enrolled in the school district; or
- Distribute 95% of the per pupil amount of the revenue to the innovation schools and charter schools of the school district (per pupil distribution).

The act specifies the requirements for the plan and requirements that apply if the school district makes a per pupil distribution. In adopting a plan or making a per pupil distribution, the school district may distribute a portion of the revenue specifically for specified underserved populations.

If a school district is distributing a portion of the mill levy revenue to the charter schools or innovation schools of the school district during the 2016-17 budget year, it must maintain the same distribution amount for the 2017-18 and 2018-19 budget years.

By July 1, 2018, each school district that chooses to adopt a plan must post the plan on the school district's website. If the school district chooses to make a per pupil distribution, the school district must post a notice of such intent by July 1, 2018, and, starting July 1, 2019, must post the amount received in mill levy revenue, the amount distributed for underserved populations, and the amount distributed to each charter school and each innovation school.

Commencing July 1, 2018, the charter school institute and each school district, board of cooperative services, and charter school must post on its website a link to certain federal tax forms and schedules filed by the institute, school district, board of cooperative services, or charter school.

Commencing July 1, 2017, each school district and each charter school must post a list of the waivers of state statute that it has received and, for each nonautomatic waiver, the plan for meeting the intent of the statute. The department of education, the state charter school institute, and a statewide association of charter schools must create a standardized description of each of the statutes for which the state board of education grants an automatic waiver and the rationale for granting the automatic waiver. Starting July 1, 2018, each charter school must post the description and rationale for each of the automatic waivers it is invoking.

The act creates the mill levy equalization fund, consisting of such money as the general assembly may appropriate to it, to provide additional funding for institute charter schools.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

EDUCATION - POSTSECONDARY

S.B. 17-41 Higher education institutions - multiple-year contracts. Under current law, institutions of higher education are limited in the number and length of term employment contracts or contract extensions that the institution can award. In addition, institutions are prohibited from providing postemployment compensation or benefits to a government-supported employee after the individual's employment has ended, except in limited situations and in limited amounts. Further, under current law, the terms of government-supported employment contracts are generally available for public inspection.

For state institutions of higher education, the act exempts the institution's employee positions that are funded by revenues generated through auxiliary activities, as defined in the act, from the provisions of current law.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-60 Department of higher education - Colorado student leaders institute - appropriation. The Colorado student leaders institute currently exists as a pilot program in the lieutenant governor's office. The act relocates the institute to the department of higher education without substantive change.

The act transfers the appropriation of \$218,825 for implementation of the Colorado student leaders institute pilot from the office of the governor to the department of higher education.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

S.B. 17-62 Institutions of higher education - free speech. The act prohibits public institutions of higher education (public institution) from limiting or restricting student expression in a student forum. "Expression", for the purposes of student expression in a student forum at a public institution, is defined to mean any lawful verbal or written means by which individuals communicate ideas to one another, including all forms of peaceful assembly, protests, speaking verbally, holding signs, circulating petitions, and distributing written materials. "Expression" also includes voter registration activities but does not include speech that is primarily for a commercial purpose.

A public institution shall not subject a student to disciplinary action as a result of his or her expression. A public institution shall not designate any area on campus as a free speech zone or otherwise create policies that imply that its students' expressive activities are restricted to a particular area of campus. Additionally, a public institution shall not impose restrictions on the time, place, and manner of student speech unless such restrictions are reasonable, justified without reference to the speech's content, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels for communication of the information or message.

The act states that it does not grant students, faculty, or staff of the public institution the right to materially disrupt previously scheduled or reserved activities in a portion or section of the student forum at that scheduled time. Additionally, the act clarifies that it is not to be interpreted as preventing the public institution from prohibiting, limiting, or restricting expression that is not protected under the First Amendment.

A student who has been denied access to a student forum for expressive purposes may bring a court action to enjoin any violations and to recover reasonable court costs and attorney fees. A one-year statute of limitations is established for violations of the act.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-74 Medication-assisted treatment expansion pilot program - opioid-dependent patients - grants to providers in rural counties - university of Colorado college of nursing to administer - reporting requirements - appropriation - repeal. The act creates the medication-assisted treatment (MAT) expansion pilot program, administered by the university of Colorado college of nursing, to expand access to medication-assisted treatment to opioid-dependent patients in Pueblo and Routt counties. The pilot program will provide grants to community- and office-based practices, behavioral health organizations, and substance abuse treatment organizations to:

- Assist nurse practitioners and physician assistants working in those settings to obtain training and support required under the federal "Comprehensive Addiction and Recovery Act of 2016" (CARA) to enable them to prescribe buprenorphine and other FDA-approved medications and therapies as part of providing MAT to opioid-dependent patients; and
- Provide behavioral therapies in conjunction with medication as part of the provision of MAT to opioid-dependent patients.

The general assembly is directed to appropriate \$500,000 per year for the 2017-18 and 2018-19 fiscal years from the marijuana tax cash fund to the university of Colorado board of regents, for allocation to the college of nursing to implement the pilot program.

Each grant recipient must submit a report to the college of nursing regarding the use of the grant, and the college of nursing must submit a summarized report to the governor and the health committees of the senate and house of representatives regarding the pilot program.

The pilot program is established and funded for 2 years and repeals on June 30, 2020.

For the 2017-18 fiscal year, the act appropriates \$500,000 from the marijuana tax cash fund to the department of higher education for use by the regents of the University of Colorado, which are to allocate the appropriation to the college of nursing to administer the MAT expansion pilot program.

APPROVED by Governor May 22, 2017

EFFECTIVE May 22, 2017

S.B. 17-174 National Guard tuition assistance program - remove limit on appropriations. Under current law, the Colorado commission on higher education (commission) is prohibited from allocating more than \$800,000 annually for purposes of providing tuition assistance to members of the National Guard. The act removes statutory provisions relating to the limit on appropriations and the commission's allocation of money for the tuition assistance program.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-258 Department of higher education - open educational resources council - appropriation. The act creates the open educational resources council (council) in the department of higher education (department). The council includes persons appointed by the executive director of the department from public institutions of higher education, the executive director of the department, the commissioner of education, and the state librarian.

The act directs the department to contract with an entity to evaluate the existing use of open educational resources by public institutions of higher education. The council must facilitate the work of the contracting entity, and, taking into account the findings of the contracting entity, recommend initiatives to expand the use of open educational resources. The council must report the findings of the contracting entity and its recommended initiatives to the joint budget committee and the education committees of the general assembly by November 20, 2017.

The act appropriates \$25,000 from the general fund to the department of higher education for the 2017-18 fiscal year to implement the act.

APPROVED by Governor May 3, 2017

EFFECTIVE May 3, 2017

S.B. 17-297 Institutions of higher education - performance contracts - performance funding. The act repeals a performance-based funding plan for institutions of higher education (institutions) that was included in the master plan for Colorado postsecondary education. The performance-based funding plan was not implemented.

The act repeals the statutory provision requiring performance contracts between the department of higher education (department) and each institution, except for performance contracts with the Colorado school of mines and private institutions participating in the college opportunity fund program. Instead, the department and the public institutions shall affirm annually the institutions' contribution toward meeting master plan goals. The department shall report annually to legislative committees concerning the institutions' progress towards those goals using data collected for state and federal reporting and state funding purposes. The department shall post the information on its website. The act makes conforming amendments relating to the repeal.

The act repeals a provision that allowed the Colorado commission on higher education (commission) to waive any provision of article 1 of title 23, Colorado Revised

Statutes, for a governing board with a performance contract. The act replaces this with provisions that modify statutory sections that are currently waived or modified for all the state higher education governing boards as part of their performance contracts. Specifically, the act:

- Removes the requirement that an institution submit a proposal to obtain approval from the commission to create, modify, or discontinue an academic or vocational program, so long as the programs offered are consistent with the institution's statutory role and mission;
- Amends provisions relating to commission master plan approval and approval of capital construction projects. Under certain circumstances, and with the commission's approval, an institution is not required to seek facility master plan approval or approval of capital construction projects.
- Amends provisions related to student fees to enable the commission to waive fee policies.

The act makes other changes to commission responsibilities, including repealing an obsolete program for designating institutions' programs of excellence, allowing the commission to waive provisions relating to its oversight of graduate program duplication, requiring a report on student fees to continue indefinitely and to address student tuition, and modifying the commission's responsibilities related to the development of cooperative programs among state-supported institutions.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

H.B. 17-1004 Higher education institutions - prior learning assessment credit for military - award and transfer - policy. The act requires the governing board of each institution of higher education to adopt, make public, and implement a prior learning assessment policy for awarding academic credit for college-level learning acquired while in the military. The policy adopted by the governing board must require each campus to use the American Council on Education's recommendations on the joint services transcript and, at its discretion, assign appropriate credit. Further, the institutions shall provide specific guidance to active duty and veteran military members in selecting a program of study and optimizing prior learning assessment credit. Finally, beginning June 1, 2018, each institution shall accept in transfer from other state institutions prior learning assessment credit awarded for courses with guaranteed-transfer designation, unless the Colorado commission on higher education adopts a policy prior to that date relating to the transfer of those credits. During the 2018 legislative session, the department of higher education shall report to certain committees of the general assembly concerning the policies adopted by the institutions.

APPROVED by Governor June 1, 2017

EFFECTIVE June 1, 2017

H.B. 17-1081 In-state tuition - Olympic athlete - training in Colorado. The act allows a state-supported institution of higher education to charge in-state tuition to an athlete residing anywhere in Colorado and training in an elite-level program in Colorado approved by the United States Olympic committee and the governing body of an Olympic, Paralympic, Pan American, or Parapan American sport. The act removes the requirement in current law that

athletes must reside in Colorado Springs to receive in-state tuition.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1131 College opportunity fund program - administration. The act permits the Colorado student loan program to enter into an agreement with the department of higher education or another state entity to administer part or all of the college opportunity fund program. The program's authority to contract is effective on and after July 1, 2015.

APPROVED by Governor March 8, 2017

EFFECTIVE March 8, 2017

H.B. 17-1140 Colorado school of mines - fee-for-service contract - permitted uses. Currently, the Colorado school of mines (institution) must use its state fee-for-service contract money to provide merit- and need-based scholarships and graduate support funding to reduce tuition for in-state students. In addition to tuition supports, the act allows the institution to use state fee-for-service contract money to fund services and programs described in the act, including but not limited to counseling, academic support, student recruiting, and precollegiate programs.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1194 Pathways in technology early college high school (P-TECH) - graduation rate - reporting. The act amends the definition of a pathways in technology early college (p-tech) high school to include a p-tech program that operates within a host school.

In addition, in applying school accreditation requirements and reporting graduation rates, a p-tech student is counted as a high school graduate in the year in which the student completes the local education provider's or host school's minimum high school graduation requirements. A p-tech school or the host school shall notify the department of education prior to a p-tech student's twelfth-grade year if the student will be enrolled in the p-tech school for grade 13 or 14.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1239 Title 12 recodification study - relocation - private occupational schools. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which

relates to professions and occupations. To implement the initial recommendations of the study:

- Section 1 of the act creates a new article 64 in title 23 of the Colorado Revised Statutes and relocates the repealed provisions of article 59 of title 12 of the Colorado Revised Statutes to that article 64;
- Sections 2 through 19 of the act make conforming amendments; and
- Section 20 of the act repeals article 59 of title 12 of the Colorado Revised Statutes.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1251 Statutory reporting requirements - repeal or continuation of reports to general assembly - reports from higher education agencies. **Statutory Revision Committee.** Currently, higher education agencies are required to submit a number of reports, typically on an annual basis, to the general assembly or to a specified legislative committee. The act repeals the obligation to prepare one report and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1258 Delta-Montrose technical college - renaming. The act changes the name of "Delta-Montrose technical college" to "technical college of the Rockies".

APPROVED by Governor May 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

ELECTIONS

S.B. 17-152 Initiated constitutional amendments - signature requirements - voter-approved requirements to make it more difficult to amend the state constitution - increased percentage of votes required to adopt constitutional amendment - exception for amendment only repealing part of constitution - appropriation. The act implements changes to the Colorado constitution approved by voters at the 2016 general election that make it more difficult to amend the state constitution by:

- Prohibiting a petition for an initiated state constitutional amendment to be submitted to voters for approval or rejection unless the petition is signed by the constitutionally specified number of registered electors who reside in each state senate district and total number of registered electors; and
- Requiring at least 55% of the votes cast on any state constitutional amendment to adopt the amendment; except that only a simple majority of the votes cast is necessary to adopt a state constitutional amendment that only repeals in whole or in part a provision of the state constitution.

When a draft of a ballot issue that proposes a state constitutional amendment is filed with the title board, the title board must decide if the proposed constitutional amendment only repeals in whole or in part a provision of the state constitution for purposes of determining the required percentage of votes cast to adopt the amendment. The designated representatives of the proponents or any registered elector who is not satisfied with the title board's decision may appeal the decision by filing a motion for rehearing to the title board. Decisions of the title board at the rehearing on this issue may be directly appealed to the Colorado supreme court in the same manner as ballot title and fiscal impact abstract appeals.

The act requires the secretary of state to notify proponents of a petition for an initiated state constitutional amendment of the number and boundaries of the state senate districts in existence and the number of registered electors in each state senate district at the time the petition format is approved. The secretary of state must validate signatures on a petition for an initiated state constitutional amendment by random sampling. If the random sample establishes that the number of valid signatures is 90% or less of the total number of registered electors needed to declare the petition sufficient, the secretary of state is required to deem the petition to be not sufficient. If the random sample establishes that the number of valid signatures is more than 90% of the total number of registered electors needed to declare the petition sufficient, the secretary of state is required to order the examination of each signature filed.

After the examination of a petition for an initiated constitutional amendment, the secretary of state is required to issue a statement as to whether a sufficient number of valid signatures from each state senate district and a sufficient total number of valid signatures appear to have been submitted to certify the petition to the ballot. If the secretary of state declares that the petition appears not to have either a sufficient number of valid signatures from each state senate district, a sufficient total number of valid signatures, or both, the secretary of state's statement shall specify the number of sufficient and insufficient signatures from each state senate district, the total number of sufficient or insufficient signatures, or both, as applicable. The bill allows the proponents of the petition to cure an insufficiency of signatures in one or more state senate districts, the total valid signatures, or both, as applicable.

\$4,120 is appropriated from the department of state cash fund for use by the department of state for personal services.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-209 Ballot access - prohibition of ballot certification for candidate determined to be ineligible due to residency requirements - nomination petition circulation and filing deadlines - school district director nomination vacancy committee processes - reorganization of ballot access laws. The act makes the following changes to laws governing access to the ballot:

- Prohibits a designated election official from certifying to the ballot the name of any candidate who the designated election official determines is unqualified to hold office based on residency requirements for the office being sought;
- For a political party candidate seeking to petition onto a ballot, moves up the deadlines by which the petition may be circulated and must be filed;
- With regard to petitions for nomination of school district directors:
 - Allows a petition for nominating a school district director to designate or appoint eligible electors who comprise a vacancy committee; and
 - Adds to the laws applying to vacancies in nominations, a process by which a vacancy in a school district director nomination is filled by such vacancy committee and specifies how the coordinated election official must proceed given the timing of the original nominee's vacancy;
- Directs the secretary of state to establish by rule a process that allows a major or minor party candidate 5 days to cure the errors or insufficiencies contained in a circulator affidavit attached to a petition to nominate the candidate;
- Reorganizes, corrects, and updates the laws pertaining to withdrawals and vacancies in nominations and designations; and
- Makes conforming amendments necessitated by the statutory reorganization effected in the act.

APPROVED by Governor May 23, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-305 Presidential primary elections - participation by unaffiliated voters in primary elections - modifications to statutory provisions enacted by 2016 ballot issues - appropriation. At the 2016 general election, the voters of the state approved 2 citizen-initiated measures affecting primary elections: Proposition 107, which restores presidential primary elections, and Proposition 108, which allows participation by unaffiliated voters in primary elections.

The act makes several modifications to some of the statutory provisions that were

affected by Propositions 107 and 108 for the purpose of facilitating effective implementation of the state's election laws:

- The act adds to the list of questions that a prospective elector who is unaffiliated with a political party may answer prior to registering to vote by means of paper registration to include what political party, if any, whose primary election ballot the elector desires to receive in the mail.
- For a regular primary election, the act requires the county clerk and recorder to send to all active electors in the county who have not declared an affiliation or provided a ballot preference with a political party a mailing that contains the ballots of all major political parties and eliminates the use of a single combined ballot for regular primary elections.
- The act requires the governor to consult the secretary of state (secretary) in selecting the date of the presidential primary election. This act requires, for a presidential primary election, the county clerk and recorder to send to all active electors in the county who have not declared an affiliation or provided a ballot preference with a political party a ballot packet that contains the ballots of all major political parties; authorizes the secretary to adopt by rule additional ballot requirements to avoid voter confusion in presidential primary elections; and repeals provisions requiring the state to reimburse the counties for expenses incurred in connection with the preparation and conduct of presidential primary elections in lieu of the provisions in the act.
- The act moves the deadline by which a candidate in the presidential primary election must submit to the secretary required filing materials to run in the primary election from the second day of January in the year of the primary election to 85 days before the date of the primary election. This section also requires challenges to the listing of a candidate on the presidential primary ballot to be filed with the district court, as with other election challenges, and not the secretary.
- In the case of a primary mail ballot election, the act deletes a previously existing requirement that a notice be sent advising eligible electors who are not affiliated with a political party of their ability to vote in the primary election of any political party. The act also modifies previously existing law requiring mail ballot packets in a primary mail ballot election to be mailed only to those active registered electors who are affiliated with a political party that is participating in the election to requires instead that the mail ballot packet be mailed only to active registered electors.
- The act requires the county clerk and recorder or designated election official to record in the statewide voter registration system the names and precinct numbers of eligible electors, together with the date on which the mail ballot was sent and the date on which each mail ballot was returned or otherwise cast. For unaffiliated electors in a primary election, the act requires the county clerk and recorder to record which political party's ballot the elector cast. If a mail ballot is not returned or otherwise cast, or if it is rejected and not counted, that fact must be recorded in the statewide voter registration system. The information is subject to public inspection under applicable laws and rules.
- The act requires the general assembly to appropriate money from the state's general fund to cover the costs of the election incurred by the state in preparing and conducting a presidential primary election.

- \$157,796 is appropriated to the department of state from the department of state cash fund for the 2017-18 state fiscal year. The department of state may use this appropriation for personal services related to information technology services.

APPROVED by Governor May 19, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1014 Repeal of criminal penalty on taking ballot selfies - Uniform Election Code of 1992 - Municipal Election Code of 1965 - permitted disclosure of voted ballot where disclosure not undertaken in furtherance of election violation - powers of county clerk and recorders. For elections conducted under both the "Uniform Election Code of 1992" (uniform code) and the "Municipal Election Code of 1965" (municipal code), an elector who shows his or her ballot after it is prepared for voting in such a way as to reveal its contents, commonly known and referred to as a "ballot selfie", is subject to a criminal misdemeanor penalty.

The act modifies the ballot selfie prohibition in the uniform code. Specifically, it deletes existing language prohibiting a voter from showing his ballot after it is prepared for voting to any person in such a way as to reveal its contents. Under the act, any voter may show his or her voted ballot to any other person as long as the disclosure is not undertaken in furtherance of any election violation proscribed in the uniform code. The act further provides that any voter who makes available an image of the voter's own ballot through electronic means after it is prepared for voting is deemed to have consented to the transmittal of that image. The ability of a voter to exercise such right at a voter service and polling center (VSPC) or at any other location at which votes are being tabulated is subject to the power of a county clerk and recorder to monitor activity at such VSPC or other location, including placing reasonable restrictions on the use of photography in such settings or imposing other restrictions on activity in such settings as the county clerk and recorder finds necessary, to ensure the fair and efficient conduct of elections.

The act also makes parallel modifications to the municipal code as it makes to the uniform code regarding ballot selfie requirements.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1088 Candidates - ballot access - petitions filed with the secretary of state - signature verification - cure process - rules. Commencing in 2018, the act requires signature verification for candidate petitions that are required to be filed with the secretary of state's office, describes the processes by which signatures are evaluated and candidates given an opportunity to cure a signature that is not verified, and authorizes the secretary of state to promulgate rules regarding such signature verification.

The act creates a procedure by which a major or minor party candidate who is required to file his or her petition with the secretary of state's office may cure errors or insufficiencies regarding circulator affidavits, and directs the secretary to promulgate rules to implement the cure process.

APPROVED by Governor June 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1155 Campaign finance - secretary of state to notify candidate committee of deficiency in disclosure report - prohibition on assessment of penalty where candidate committee files timely addendum to report to cure deficiency - requirement that candidate committee demonstrate good faith or substantial compliance - specified amount of penalty where candidate committee fails to demonstrate good faith or substantial compliance. Upon receipt of a complaint alleging that a campaign finance disclosure report alleging a failure to file other information required to be filed or disclosed pursuant to the campaign finance provisions of the state constitution or the "Fair Campaign Practices Act" (FCPA), the act requires the secretary of state to give notice to the particular candidate committee (committee) by e-mail of the deficiencies alleged in the complaint.

Service of the notice does not toll or otherwise affect the 3-day period during which the secretary of state is required to refer a complaint to an administrative law judge under the state constitution. Upon receipt of the notice from the secretary of state, the committee may request from the appropriate officer a postponement of a hearing on the complaint and, if such request is timely submitted, has 15 business days from the date of the notice to file an addendum to the relevant report that cures any such deficiencies in the disclosure specified in the notice. The act also requires the committee to also provide the complainant notice of the entity's intent to cure and a copy of the addendum on the same day that the addendum is filed with the secretary of state.

Where the committee files an addendum that cures all deficiencies alleged in the complaint before the expiration of the 15-day period specified in the bill, the act prohibits the appropriate officer from assessing a penalty against the committee that otherwise would have been assessed for the deficiencies for the period from the first date of the alleged violation through the expiration of the cure period. Upon filing an addendum to the relevant report by the committee that cures all such deficiencies, the appropriate officer is required to set a hearing within 30 days of the notice to determine whether all issues raised by the complaint have been resolved. If the committee fails to cure any such discrepancy, any penalty imposed for such deficiency continues to accrue until further resolution of the matter.

The act's requirements only apply in the case of a good faith effort by a committee to make timely disclosure in accordance with governing legal requirements or where the disclosure report is in substantial compliance with such legal requirements. The committee has the burden of demonstrating good faith or substantial compliance by a preponderance of the evidence at the hearing. Where the committee fails to satisfy its burden of demonstrating either good faith or substantial compliance, the act requires the administrative law judge to enter or impose a civil penalty in accordance with the following:

- If the amount of the penalty that has accrued to that point in time is less than \$5,000, the administrative law judge must impose a penalty in the amount of the penalty that has accrued to that point in time.
- If the amount of the civil penalty that has accrued to that point in time is \$5,000 or more dollars, the administrative law judge must impose a penalty, in his or her discretion, in an amount that is not less than \$5,000.

APPROVED by Governor May 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

FINANCIAL INSTITUTIONS

S.B. 17-226 Title 12 recodification study - relocation - life care institutions - money transmitters. **Committee on Legal Services.** Current law directs the Office of Legislative Legal Services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates the following laws:

- Article 13 of title 12, pursuant to which the commissioner of financial services and the financial services board regulate life care institutions, to article 49 of title 11 (section 1 of the bill); and
- Article 52 of title 12, pursuant to which the banking board and the state bank commissioner regulate money transmitters, to article 110 of title 11 (sections 2 and 3).

Section 13 repeals the articles where these laws were previously codified, and sections 5 through 12 make conforming amendments.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1157 Banks and credit unions - certificates of trust - additional information required - valid for all transactions - reliance by financial institution. Currently, a bank may rely on a certificate of trust when trustees open a trust deposit account. The act allows credit unions to also rely on a certificate of trust. Trustees must provide additional information in a certificate of trust and execute the certificate under penalty of perjury. Banks and credit unions may rely on a certificate of trust for any transaction, including loans, unless the bank has knowledge that the certificate of trust is contrary to the trust agreement. Knowledge is not inferred solely because the bank has a copy of the trust agreement.

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

H.B. 17-1218 Information - sharing with other regulators - confidentiality - reciprocity. The act allows the banking board and the state bank commissioner to share records and other information about banks, trust companies, and money transmitters with banking or financial institution regulatory agencies of other states or United States territories if the governmental agency is required to maintain the confidentiality of the records and shares similar information with the division of banking.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1253 Financial exploitation - duty to report - disclosures - delay in disbursement - immunity. The act requires that if certain licensed securities professionals (qualified individuals), while acting within the scope of their employment, reasonably suspect that an elderly or at-risk person is the subject of financial exploitation, the broker-dealer or investment adviser shall report the suspected financial exploitation to the commissioner of securities (commissioner). The commissioner shall forward the report to local law enforcement and to the county department of human or social services. The commissioner has access to records to conduct an investigation, but the records are not subject to an open records request.

The act also authorizes the qualified individual to notify any third party designated by or associated with the elderly or at-risk person of any suspected financial exploitation. It also authorizes the broker-dealer or investment adviser to delay disbursement of a transaction that might result in financial exploitation.

The act provides immunity to qualified individuals, broker-dealers, and investment advisers making reports or disclosures or delaying disbursements under the act and to qualified individuals who in good faith and exercising reasonable care fail to file a report required by the act.

For qualified individuals who are also required to report mistreatment of an elderly or at-risk person pursuant to the "Colorado Criminal Code" (code), the act clarifies that, if the individual makes a report pursuant to the code, the individual does not have to submit a report with the commissioner, and that filing a report with the commissioner does not satisfy the individual's obligation pursuant to the code.

APPROVED by Governor June 2, 2017

EFFECTIVE July 1, 2017

GENERAL ASSEMBLY

S.B. 17-293 Colorado Revised Statutes - publication - paper specification. Under the former statute, any contract the state entered into to publish or print the Colorado Revised Statutes had to specify that the paper used met certain standards established by the national standards institute for permanent paper for printed library materials. However, that standard was outdated and no longer used in the industry. The act updates the statutory reference to the current applicable alkaline minimum reserve requirements and acidity levels for uncoated paper as established by the American national standards institute and the national information standards organization. The change will not affect the current publications contract; however, it will apply to future contracts and extensions of contracts.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

H.B. 17-1005 State auditor and legislative audit committee - various updates - timing of performance audits of public highway authorities - reports on retention of working capital - registration of warrants exchanged for county bonds - report on operating costs of enhanced emissions inspections contractor - statutory reporting requirements - repeal of obsolete provisions. **Statutory Revision Committee.** The act updates various statutes pertaining to the office of the state auditor (OSA).

Formerly, the legislative audit committee was prohibited from directing the state auditor to conduct a performance audit of any public highway authority in any year during which the interim transportation legislation review committee (TLRC) meets. Because the TLRC is statutorily required to meet every year, the act repeals the timing limitation so that a performance audit can be requested at any time.

The act repeals the following obsolete provisions:

- That the executive director of the department of revenue (DOR) account monthly to the state treasurer regarding working capital retained by DOR and provide copies of this accounting to the governor and the state auditor, because DOR does not retain working capital;
- That the state treasurer provide copies of receipts for money transmitted daily from the executive director of DOR to the state auditor, in addition to providing one copy to the executive director and retaining one copy for his or her files;
- The registration and recording fee requirements related to a statute created in 1881, in which holders of warrants from counties with more than \$50,000 in floating indebtedness may exchange those warrants for county bonds, if the exchange is approved by election. County bonds so exchanged were required to register with OSA, and a ten-cent fee must be paid to OSA for recording each bond;
- An audit of the estimated actual operating costs of the enhanced emissions inspections program contractor, which audit was required to be completed by

the end of 2001.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1025 State house and senate district boundaries - statutory reporting requirements - repeal of obsolete provisions. **Statutory Revision Committee.** The act repeals obsolete laws pertaining to:

- Districts drawn by the general assembly following the 1970 federal census; and
- The 6 house of representatives districts that were redrawn by the general assembly in 1998 to achieve compliance with the "Voting Rights Act of 1965" following *Sanchez v. State of Colorado*, 97 F.3d 1303 (10th Cir. 1996) (cert. denied May 19, 1997).

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1046 Statutes - update references to outdated terms relating to people with disabilities. The act updates certain terms in statute that refer to persons with intellectual and developmental disabilities or physical disabilities using insensitive or outdated terminology.

The act changes references as follows:

- "Mentally retarded", "mentally deficient person", and "mental deficiency" or "mentally deficient" to "a person with an intellectual and developmental disability";
- "Mental defect" to "mental illness"; and
- "Physical defect" to "physical disability".

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1074 Congressional districts - boundaries - repeal of obsolete provisions. The act repeals a law relating to Colorado's congressional districts that has been rendered obsolete by the redistricting premised on the 2010 federal census. In addition, certain portions of the law being repealed were held unconstitutional by the state supreme court in *People Ex Rel. Salazar v. Davidson*, 79 P.3d 1221 (Colo. 2003) cert. denied, 541 U.S. 1093, 124 S. Ct.

2228, 159 L. Ed. 2d 260 (2004).

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1113 Legislative council - executive committee - powers - electronic participation by members in interim meetings. The act gives the executive committee of the legislative council the ability to consider, recommend, and establish policies regarding electronic participation by senators or representatives in committee meetings during the legislative interim.

APPROVED by Governor May 20, 2017

EFFECTIVE May 20, 2017

GOVERNMENT - COUNTY

S.B. 17-129 Survey plat - storage - electronic format - authorized funding. The act permits a county clerk and recorder to preserve an original plat in an electronic format, with the plat scanned at a minimum resolution of 300 dots per inch. If an electronic filing system is established, then the board of county commissioners is authorized to provide additional funding and space suitable for a county surveyor or any other appropriate local government official to store original mylar, paper, or polyester sheets of subdivision plats and land survey plats.

APPROVED by Governor May 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1017 Surveyor - duties - compensation - contracting for services - vacancies - defining county boundaries. The act clarifies the specific duties of a county surveyor and provides that certain services may be provided at the surveyor's discretion and when compensated by agreement between the surveyor and the board of county commissioners. The board of county commissioners may elect to have some of the discretionary services contracted out to a private surveyor or have other county departments perform the services.

If the office of the county surveyor is vacant, the time for the board of county commissioners to fill the vacancy is extended to 6 months.

The act also modifies the process used to fix and define an indefinite boundary line between 2 counties.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1050 Sheriffs - annual in-service training. The act requires each sheriff, whether elected or appointed, to undergo at least the number of in-service training hours required for all certified peace officers by the peace officers standards and training board (POST board), but in no case less than 20 hours. The act allows the training to be provided by any training resource agency approved by the POST board.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1128 Public official salary categorization - Lake county. The act changes the salary categorization for locally elected officials in Lake county from Category IV-A to

Category IV-B.

APPROVED by Governor March 8, 2017

EFFECTIVE March 8, 2017

H.B. 17-1174 Local improvement district - formation by a rural county - funding the construction of an advanced service improvement. The act allows a rural county with a population of fewer than 60,000 inhabitants to establish a local improvement district to fund an advanced service improvement in an unserved area of the county under the same conditions that apply to the funding of a telecommunications service improvement through a local improvement district. The act also defines the terms "advanced service", "rural county", and "unserved area".

APPROVED by Governor April 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1342 County public safety improvements tax - timing of authorizing elections. The act authorizes a county, which could previously submit a ballot question to the voters of the county seeking authorization to impose a county public safety improvements tax only at a general election, to also submit such a ballot question at a biennial county election or an election held in November of an odd-numbered year as determined by the board of county commissioners.

APPROVED by Governor May 24, 2017

EFFECTIVE May 24, 2017

GOVERNMENT - LOCAL

S.B. 17-13 Fire and police - employees - new hire pension plans - deferred compensation plan. To assist fire and police pension association (FPPA) employers in establishing a deferred compensation plan, the act authorizes the FPPA board to develop a multi-employer deferred compensation plan document to allow employers to join a multi-employer plan. The multi-employer plan document is in addition to the current master deferred compensation plan document for use by employers to establish individual plans.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-20 Fire and police - new hire pension plans - statewide plan elections - uniform approval standard. Creates a uniform approval standard for when an employer in a statewide pension plan administered by the fire and police pension association asks to modify its status in the plan through a vote of the members of the plan. For all such requested employer modifications, requires that the modification be approved by 65% of the members employed by the employer who vote in the election for the plan modification.

APPROVED by Governor March 8, 2017

EFFECTIVE March 8, 2017

S.B. 17-214 Voluntary firefighter cancer benefits program - creation. The act allows an employer to participate in the voluntary firefighter cancer benefits program, as a multiple employer health trust, to provide benefits to firefighters by paying contributions into the established trust. The act requires the trust to provide benefits to each firefighter based on the cancer diagnosis and award level.

APPROVED by Governor May 3, 2017

EFFECTIVE May 3, 2017

S.B. 17-228 Title 12 recodification study - relocation - licenses granted by local governments - dance halls - escort services - pawnbrokers. **Committee on Legal Services.** The act:

- Relocates article 18 of title 12, which relates to dance halls, to title 30, which pertains to counties;
- Relocates article 25.5 of title 12, which relates to escort services, to title 29, which relates to local governments; and
- Relocates article 56 of title 12, which relates to pawnbrokers, to title 29.

The act repeals the articles where these laws were previously codified, and makes conforming amendments.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

S.B. 17-252 Board of political subdivisions - energy cost-savings contracts - increasing meter accuracy. Current law allows boards of political subdivisions to enter into energy cost-savings contracts for utility cost savings. Utility cost savings are defined in law to include an installation, modification, or service that is designed to reduce energy consumption and related operating costs in buildings and other facilities.

The act specifies that the boards may also enter into energy cost-savings contracts for increasing meter accuracy, which is defined as a utility cost-savings measure.

The act also changes the definition of "operation and maintenance cost savings" to clarify that the calculation must be made on a net basis.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-279 Urban renewal - applicability provisions of 2015 and 2016 legislation - equitable financial contribution among affected public bodies - urban renewal projects using tax increment financing. The act clarifies the applicability provisions of legislation enacted in 2015 and 2016 to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment projects allocating tax revenues in the following respects:

- The act clarifies that a substantial modification of an urban renewal plan (plan) is a proposed modification that substantially changes provisions of the plan regarding land area, land use, authorization to collect incremental tax revenue, the extent of the use of tax increment financing, the scope or nature of the urban renewal project, the scope of method of financing, design, building requirements, timing, or procedure, as previously approved, or where the modification will substantially clarify a plan that, when approved, was lacking in specificity as to the urban renewal project or financing. If the modification is substantial, the modification is subject to pertinent requirements of the urban renewal law addressing modifications. For plans to which a pledge of the revenues deposited into the special fund was made by an indenture or other legally binding document that is separate from the plan itself prior to January 1, 2016, a pledge to secure the payment of refunding bonds is not a substantial modification and is not subject to the modification requirements of the urban renewal law.
- Not less than 30 days prior to approving any modification of a plan, the act requires the governing body or an urban renewal authority (authority) to provide a detailed written description of the proposed modification to each taxing entity that levies taxes on property located within the urban renewal area and a notice of the date and time of the meeting at which the governing body will consider the modification. Any taxing entity that levies taxes on property located within the urban renewal area may file an action in the state

district court exercising jurisdiction over the county in which the urban renewal area is located for an order determining, under a de novo standard of review, whether the modification is a substantial modification. Further, if requested by the taxing entity, the court is required to enjoin any action by the authority pursuant to the modification until the court has determined whether the modification is a substantial modification and, if so, the court is required to further enjoin any action by the authority until there has been compliance with statutory provisions addressing the sharing of incremental property tax revenues.

- The act prohibits any action from being brought to enjoin any undertaking or activity of the authority to a plan, including the issuance of bonds, the incurrence of other financial obligations, or the pledge of revenue, unless the action is commenced within 45 days after the date the authority provided notice of its intention regarding such undertaking or activity. The notice must describe the undertaking or activity proposed to be engaged in by the authority and specify that any action to enjoin the undertaking or activity must be brought within 45 days from the date of the notice. The notice must be published one time in a newspaper of general circulation within the county. On or before the date of publication of the notice, the act also requires the authority to mail a copy of the notice to each taxing entity that levies taxes on property within the urban renewal area.
- Finally, the act clarifies that legislation enacted in 2015 to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment projects allocating tax revenues, legislation adopted in 2016 to clarify such 2015 legislation, and the act itself apply to municipalities, authorities, and any plans created on or after January 1, 2016, and to any substantial modification of any plan approved on or after January 1, 2016.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

H.B. 17-1054 Military and community partnerships. The act makes findings regarding partnerships between military installations and their host communities in the state with regard to the shared-service opportunities that can cut costs and increase efficiencies in providing governmental services. The act directs the department of local affairs to support cooperative intergovernmental agreements between military installations and local governments to the extent that the department may do so within existing programs, resources, and technical expertise.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1152 Federal mineral lease district - authority to invest funding. The act gives a federal mineral lease district (district) the option, but not the obligation, to invest a portion of the funding it receives from the local government mineral impact fund in a fund. Current law requires the district to distribute the funding to impacted areas in the district, but also

allows the district to reserve all or a portion of the funding for use in subsequent years.

The act specifies that the district may appropriate and disburse any part of the invested funding and all sums in excess thereof, including interest, dividends, or similar appreciated values, but specifies that the district shall do so only upon the enactment of a resolution identifying the reason for the appropriation and disbursement.

The act specifies that the district may invest the funding subject to the district's investment policy and in any investment in which the board of trustees of the public employees' retirement association may invest the funds of the association, which are the same investments the state treasurer is authorized to invest the local government permanent fund, which is comprised of 50% of the federal mineral lease bonus payments.

The act allows the board of directors to engage the services of investment advisors, but specifies that the selection of investment advisors must be made following an open and competitive process.

The act also requires the district to adopt an investment policy resolution that must be reviewed annually and must include:

- An acknowledgment of the board of director's fiduciary responsibility with respect to oversight of the district's investment policy;
- Performance benchmarks for all investments and for all investment advisors who may be hired by the board of directors;
- A requirement for the preparation and publication of annual financial statements that must include, at a minimum, information regarding starting balances, contributions, investment income, and losses, if any, and any investment fees incurred;
- Careful consideration of investment fees or other brokerage costs which might reduce investment returns; and
- A requirement that the board of directors annually review the investments and annually set appropriations to be included in the trust fund.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1193 Small wireless service infrastructure installation - expediting local government permitting processes - allowing rights-of-way access. The act clarifies that the expedited permitting process established for broadband facilities applies to small cell facilities and small cell networks.

The act further clarifies that the rights-of-way access afforded to telecommunications providers for the construction, maintenance, and operation of telecommunications and broadband facilities extends to broadband providers as well as small cell facilities and small cell networks.

The act also provides that, if a telecommunications provider or broadband provider

complies with applicable law, it has the right to locate or collocate small cell facilities and small cell networks on a local government entity's light poles, light standards, traffic signals, or utility poles in the rights-of-way owned by the local government entity, but prohibits small cell facilities and small cell networks from being placed on structures with tolling collection or enforcement equipment attached.

Finally, the act specifies the amount and type of payment a local government or municipally owned utility may receive from a telecommunications provider, broadband provider, or cable television provider in exchange for granting permission to attach small cell facilities, broadband devices, or telecommunications devices to poles or structures that are in a right-of-way and are owned by the local government or municipally owned utility.

APPROVED by Governor April 18, 2017

EFFECTIVE July 1, 2017

H.B. 17-1354 Property tax - valuation and taxation - mobile homes - collection of delinquent taxes. A county treasurer's duties in connection with the collection of delinquent taxes on mobile or manufactured homes that are not affixed to the ground are modified. Specifically, a county treasurer is no longer required to enforce the collection of delinquent taxes on mobile or manufactured homes that are not affixed to the ground by commencing a court action or by distraining, seizing, and selling the property. This process is changed to a permissive process and gives the county treasurer more flexibility to enter into partial payment agreements with the owners of such mobile or manufactured homes. The county treasurer is authorized to declare tax liens on mobile or manufactured homes that are not affixed to the ground as county-held to address title deficiencies in conjunction with the collection of taxes. In addition, the county treasurer is authorized to withhold tax liens on mobile or manufactured homes that are not affixed to the ground from being sold to investors.

APPROVED by Governor May 19, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - MUNICIPAL

H.B. 17-1016 Urban renewal - choice of municipality to include within plan - valuation attributable to extraction of mineral resources located within urban renewal area - not subject to division of taxes for tax increment financing. The act permits the governing body of a municipality, as applicable, to provide in an urban renewal plan that the valuation attributable to the extraction of mineral resources located within the urban renewal area is not subject to the division of taxes between base and incremental revenues that accompanies the tax increment financing of urban renewal projects. In such circumstances, the taxes levied on the valuation will be distributed to the public bodies as if the urban renewal plan was not in effect.

The act defines the terms "mineral resources" and "valuation attributable to the extraction of mineral resources".

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

H.B. 17-1065 Park and recreation district - no inclusion in district of land area of 40 or more acres used and zoned for agricultural uses without written consent of land owners - clarification of requirements for signatures used to determine sufficiency of petition for organization following approval of service plan of special district. Under current law, no land area that is 40 acres or more used primarily and zoned for agricultural uses may be included in any parks and recreation district without the written consent of the land owners. The act makes any metropolitan district providing parks or recreational facilities and programs subject to this limitation. The act clarifies that only those signatures obtained after the approval by a county or municipality of the service plan of a proposed special district may be considered by the district court in determining whether the required number of taxpaying electors of such district have signed the petition for organization.

APPROVED by Governor March 23, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1198 Special district board members - allowed to increase to seven. The act allows a special district having a 5-member board to increase the number of board members to 7 by the adoption of a resolution by the board and the approval of the resolution by the board of county commissioners or the governing body of the municipality that approved the service plan of the special district. If an increase is made, a board cannot be reduced back to 5 members. The act also specifies the length of the initial term of each new special district board member and sets forth the election requirements.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1297 Board member - compensation. The act increases the compensation amount special district board members may receive from \$1,600 per year and \$100 per meeting scheduled to \$2,400 per year, and specifies that special meetings include study sessions in specified circumstances.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1363 Colorado new energy improvement district - loan application requirements - title commitment - exception if no subordination is sought. Current law authorizes a homeowner to finance certain energy efficiency improvements to the home through a loan pursuant to the property assessed clean energy (PACE) program. The program requires an applicant to file a title commitment on the home and a hearing must be held in order to seek a voluntary subordination of existing liens to the program's junior lien.

The act exempts a homeowner from the title commitment and hearing requirements if the owner or lender is not seeking to subordinate the priority of existing liens.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

GOVERNMENT - STATE

S.B. 17-40 Colorado Open Records Act - circumstances under which custodian is required to provide copies of public records in a digital format - permissive denial of right of inspection of public records - specialized details of physical and cyber assets of critical infrastructure - mandatory denial of right of inspection of public records - electronic health records - additional grounds for filing civil action seeking inspection of public records - repeal of existing criminal misdemeanor offense. The act modifies the "Colorado Open Records Act" ("CORA") in the following respects:

- If a public record is stored in a digital format that is neither searchable nor sortable, the custodian of the record shall provide a copy of the public record in a digital format. If a public record is stored in a digital format that is searchable but not sortable, the custodian is required to provide a copy of the public record in a searchable format. If a public record is stored in a digital format that is sortable, the custodian is required to provide a copy of the public record in a sortable format.
- A custodian is not required to produce a public record in a searchable or sortable format in accordance with the act if:
 - Producing the record in the requested format would violate the terms of any copyright or licensing agreement between the custodian and a third party or result in the release of a third party's proprietary information; or
 - After making reasonable inquiries, it is not technologically or practically feasible to permanently remove information that the custodian is required or allowed to withhold within the requested format, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format, or if the custodian would be required to purchase software or create additional programming or functionality in its existing software to remove the information.
- If a custodian is not able to comply with a request to produce a public record that is subject to disclosure in a requested format specified in the act, the custodian is required to produce the record in an alternate format or issue a denial under existing CORA procedures and provide a written declaration attesting to the reasons the custodian is not able to produce the record in the requested format. If a court subsequently rules the custodian should have provided the record in the requested format, attorney fees may be awarded only if the custodian's action was arbitrary or capricious.
- Altering an existing public record, or excising fields of information to remove information that the custodian is either required or permitted to withhold, does not constitute the creation of a new public record.
- Nothing in the act relieves or mitigates the obligations of a custodian to produce a public record in a format accessible to individuals with disabilities in accordance with Title II of the federal "Americans with Disabilities Act of 1990", and other federal or state laws.
- The act adds specialized details of the physical and cyber assets of critical infrastructure to the group of various forms of public records for which a records custodian is permitted to deny the right of inspection. The act adds electronic health records to the existing group of various forms of public records for which a records custodian shall deny the right of inspection.

- The act expands the grounds permitting the filing of a civil action seeking inspection of a public record to include an allegation of a violation of the new provisions of CORA governing requests for inspection of documents stored in a digital format.
- The act repeals the existing criminal misdemeanor offense and penalty for a willful and knowing violation of CORA.

APPROVED by Governor June 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-44 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of regulatory agencies. **Statutory Revision Committee.** Currently, the department of regulatory agencies is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-46 Warrants and checks not presented to state treasurer for payment - procedure for cancellation - transfer to unclaimed property trust fund - exceptions - fiscal rules. **Statutory Revision Committee.** The act modernizes practices relating to warrants and checks not timely presented to the state treasurer for payment by:

- Repealing the requirement that a list of the state's unpaid warrants and checks issued during the prior completed fiscal year be physically posted in the offices of the state treasurer and controller;
- Scheduling the cancellation of unpaid warrants and checks pursuant to fiscal rules promulgated by the state controller;
- Providing for the transfer of those moneys in accordance with the "Unclaimed Property Act"; and
- Maintaining the exception to the expiration process for moneys drawn on the wildlife cash fund and creating an exception for the disposition of moneys received by the federal government.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-96 Reserve academy grant program - appropriation. The act creates the reserve academy grant program to provide a one-time grant to a political subdivision of the state that is comprised of multiple participating jurisdictions and that is formed for the purpose of funding a reserve peace officer academy that will train and certify a shared reserve peace officer auxiliary group. The division of homeland security and emergency management (division) will administer the grant program. The division may accept gifts, grants, and donations to use towards the grant program. The division shall consider the following criteria in awarding the grant:

- Existing access to start-up capital;
- The capacity to serve communities statewide; and
- The ability to assist law enforcement agencies in times of need.

The act appropriates \$814,834 to the department of public safety from the marijuana tax cash fund to implement the act. Of that amount, \$800,000 is for the grant award and \$14,834 is for personal services to administer the grant program.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

S.B. 17-122 State capitol building advisory committee - department of personnel - remaining duties of the fallen heroes memorial commission. The act repeals the fallen heroes memorial commission and requires the state capitol building advisory committee to take on any remaining duties of the commission. The act requires the state capitol building advisory committee to perform any remaining duties with the assistance of the department of personnel and the Fallen Heroes Memorial Fund, Inc., a Colorado 501(c)(3) organization established to raise money for the construction of the memorial.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-132 Notaries - uniform law - relocation - continuation under sunset law. The act enacts the "Revised Uniform Law on Notarial Acts" (the "uniform Act"), as adopted by the National Conference of Commissioners on Uniform State Laws. The uniform Act responds to current transactions and practices (in particular electronic records); seeks to promote uniformity among state laws regarding notarial acts; enhances the integrity of the notarial process; and provides for the recognition of notarial acts performed in this state, in other states, under the authority of a federally recognized Indian tribe, under federal authority, and in foreign jurisdictions.

The act postpones the sunset review of the notaries law from July 1, 2018, to September 1, 2023, and relocates the notaries law from the title governing professions and occupations to the secretary of state's article in the title governing state government.

APPROVED by Governor May 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-175 Risk management fund - self-insured property fund - state employee workers' compensation account - allowable transfers. If there is an insufficient cash balance in the risk management fund, the self-insured property fund, or the state employee workers' compensation account in the risk management fund (state self-insurance funds) to pay continuously appropriated premiums and claims-related expenses, the executive director of the department of personnel may request the state treasurer to transfer money from another state self-insurance fund's reserve balance to the fund with the deficiency. The state treasurer is required to make the requested transfer and then, in the next annual general appropriations act, the general assembly is required to appropriate an identical amount to the fund from which the transfer was made.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-179 Governmental entities - limits on fees for installing solar energy devices. The act extends the repeal date of existing laws that limit the amount of permit, plan review, or other fees that counties, municipalities, or the state may charge for installing solar energy devices or systems.

The act also clarifies that the statutory limitations on the amount of fees applies to any related or associated fees, not just to permit or plan review fees.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-194 Department of revenue - income tax - waiver of deadlines for sending out refunds when suspicion of identity theft or other refund-related fraud exists. The department of revenue is required to meet certain deadlines in sending out income tax refunds:

- 14 days for returns filed in January;
- 21 days for returns filed in February;
- 28 days for returns filed in March; and
- 45 days for returns filed in April.

If these statutory deadlines are not met, a penalty and interest is added as specified in statute. Current law identifies certain exceptions to these requirements.

The act specifies that if the department of revenue makes a determination, in good faith, that there is a suspicion of identity theft or other refund-related fraud, then the deadlines do not apply.

APPROVED by Governor March 30, 2017

EFFECTIVE March 30, 2017

S.B. 17-211 Transportation - engineering design and construction - bidding process. The department of transportation is required to update the bidding rules regarding prequalification requirements, including the contract amounts for which a bidder is required

to submit an audited financial statement reviewed by a certified public accountant. In addition, the chief engineer is required to develop a policy regarding how previous relevant experience and the bonding capacity of a contractor will be considered when evaluating proposals and bids submitted for public projects.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-222 Title 12 recodification study - relocation - fireworks. **Committee on Legal Services.** The act relocates article 28 of title 12, which relates to fireworks, to a new part 20 of article 33.5 of title 24, which title pertains to the department of public safety. The act also repeals the article in title 12, where these laws were previously codified, and makes conforming amendments.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-232 Bingo-raffle law - continuation under sunset law. The act implements the recommendations of the sunset review and report on the licensing of bingo and other games of chance through the secretary of state by:

- Extending the automatic termination date of the Colorado bingo-raffle advisory board and the regulation of bingo and raffles by the secretary of state to September 1, 2024, pursuant to the sunset law;
- Reducing the number of times that the board must meet each year from 6 to 2;
- Specifying that a person whose license has been revoked or surrendered in lieu of revocation must wait for not more than one year to reapply for a license;
- Clarifying that a licensee may not change the location of a pull-tab device without the secretary's approval;
- Clarifying that a person who has been convicted of a misdemeanor involving gambling is prohibited from being a games manager, caller, or caller assistant;
- Allowing a person who has not been convicted within the previous 10 years of a felony or a gambling-related offense to apply for certain licenses;
- Authorizing a bingo-raffle licensee to presell tickets to a charitable gaming event;
- Increasing the number of bingo cards that a player may use with the aid of an electronic device from 36 to 54;
- Clarifying that licensees may donate bingo equipment to entities that offer free bingo and to other licensees; and
- Making a variety of technical changes to the law.

The act also relocates the "Bingo and Raffles Law" from the title governing

professions and occupations to the secretary of state's article in the title allocating duties and functions of state government.

APPROVED by Governor May 23, 2017

EFFECTIVE May 23, 2017

S.B. 17-233 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of law. **Statutory Revision Committee.** Currently, the department of law is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act continues indefinitely the obligation of the department to prepare reports. The continuation of these reporting obligations is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-239 State funds - appropriations - authority for controller to allow expenditures for capital construction items - information technology capital projects. A department, institution, or agency of the state, including any institution of higher education, may request permission to expend money differently from the authority granted by an appropriation for an information technology capital project if the project for which the appropriation was made requires a nonmonetary adjustment for its timely continuation and the nonmonetary adjustment is due to unforeseen circumstances arising while the general assembly is not in session.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-255 Office of information technology - information technology revolving fund - appropriation. The technology advancement and emergency fund (fund) is created in the office of information technology (office). Subject to annual appropriation by the general assembly, the office may expend money in the fund to cover one-time costs associated with emergency information technology expenditures, to address deferred maintenance of state agency information technology assets, and to provide additional services to address unforeseen service demands. If the office uses money in the fund to cover all or any portion of the cost of purchasing or refreshing an asset for a state agency, the asset becomes the property of the office.

The office is required to submit an annual report to the joint budget committee and the joint technology committee, including specified information regarding expenditures from the fund.

The state treasurer is required to transfer \$2 million to the fund on July 1, 2017, and

on July 1, 2018. In addition, at the end of each fiscal year the state treasurer and the state controller are required to transfer any unexpended or unencumbered appropriations that are the result of cost savings by the office to the newly created fund instead of the existing information technology revolving fund. The fund is exempt from the limitation on uncommitted reserves of a cash fund at the end of a fiscal year.

For the 2017-18 state fiscal year, \$3,200,000 is appropriated from the fund to the office of the governor for use by the office.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-257 State historical society - community museums cash fund. The act deposits revenues generated by community museums operated by the state historical society into a new community museums cash fund which will be appropriated specifically for the activities of the community museums.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-259 General fund - transfers to cash funds. On July 1, 2017, the act requires the state treasurer to transfer money from the general fund as follows:

- \$954,545 to the forest restoration and wildfire risk mitigation grant program cash fund;
- \$1,186,363 to the healthy forests and vibrant communities fund;
- \$4,090,909 to the species conservation trust fund;
- \$45,455 to the wildland-urban interface training fund;
- \$86,364 to the wildfire preparedness fund;
- \$2,452,193 to the division of parks and outdoor recreation aquatic nuisance species fund; and
- \$1,184,171 to the division of wildlife aquatic nuisance species fund.

APPROVED by Governor May 3, 2017

EFFECTIVE May 3, 2017

S.B. 17-260 Severance tax cash funds - transfers to general fund. On June 30, 2018, the state treasurer is required to transfer the following amounts to the general fund:

- \$11.425 million from the severance tax perpetual base fund;
- \$11.425 million from the severance tax operational fund; and
- \$22.85 million from the local government severance tax fund.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-261 Disaster emergency fund - 2013 flood recovery account - creation - general fund transfer. The act creates the 2013 flood recovery account in the disaster emergency fund. On July 1, 2017, the state treasurer is required to transfer \$12.5 million from the general fund to the account. The account consists of money from this transfer and any money that the general assembly appropriates to the account in the future. Money in the account is

only available for the governor to use for the costs associated with the response and recovery from the flood that occurred in the state in 2013.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-262 General fund - transfers to capital construction fund and highway users tax fund. The act reduces a transfer to the highway users tax fund on June 30, 2017, from \$158 million to \$79 million. Future formulaic transfers from the general fund to the highway users tax fund are replaced with the following fixed amounts:

- \$79 million on June 30, 2018;
- \$160 million on June 30, 2019; and
- \$160 million on June 30, 2020.

Future formulaic transfers from the general fund to the capital construction fund are replaced with the following fixed amounts:

- No transfer for the fiscal year 2017-18;
- \$60 million on June 30, 2019; and
- \$60 million on June 30, 2020.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-263 Capital construction - transfers to the capital construction fund. For the 2017-18 fiscal year, the act transfers:

- \$68,840,446 from the general fund to the capital construction fund;
- \$19,855,515 from the general fund to the information technology capital account of the capital construction fund;
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund;
- \$20 million from the general fund to the controlled maintenance trust fund; and
- \$1 million from the preservation grant program account of the state historical fund to the capital construction fund to restore the windows and granite exterior of the state capitol building.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-265 State employee reserve fund - transfer to general fund. The act requires the state treasurer to transfer \$26.3 million from the state employee reserve fund to the general fund on July 1, 2017.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-266 General fund - reserve - decrease. For the fiscal year 2016-17, the act reduces the statutorily required general fund reserve from 6.5% to 6% of the amount appropriated

for expenditure from the general fund.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-280 Colorado economic development commission - Colorado economic development fund. The repeal date of the Colorado economic development commission (commission) is extended to July 1, 2025. In addition, the commission is authorized to transfer money appropriated to the commission to the Colorado economic development fund and to expend such money without further appropriation.

\$5 million from the general fund is appropriated to the office of the governor for use by the Colorado office of economic development. The office of economic development may use the appropriation for the commission.

APPROVED by Governor May 20, 2017

EFFECTIVE May 20, 2017

S.B. 17-291 Department of public safety - school safety resource center - continuation under sunset law. The act implements the recommendations of the sunset review and report on the school safety resource center advisory board by eliminating the repeal date of the board and extending the board through September 1, 2022.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

S.B. 17-304 General assembly - joint technology committee - powers and duties - budget requests submitted to joint technology committee - requirements. The powers and duties of the joint technology committee (committee) are expanded to give the committee authority to request information and presentations regarding data privacy and cybersecurity within state agencies and the authority to coordinate with the Colorado cybersecurity council created in the department of public safety.

The responsibility of the committee to review and make recommendations to other legislative committees on any legislative measure that the speaker of the house of representatives or the president of the senate determines to be dealing with information technology is expanded to include data privacy and cybersecurity. In addition, the committee may request to review and make recommendations to other legislative committees on any legislative measure that the committee determines to be dealing with information technology, data privacy, or cybersecurity.

The July 1, 2018, repeal date for the committee is eliminated.

The office of state planning and budgeting is required to design and prepare, in coordination with the staff of the committee, the forms and instructions to be used in preparation of all budget requests and supplemental budget requests submitted to the committee. The forms and instructions must require that budget requests submitted to the committee include:

- Information from a request for information or other formal market research regarding the information technology budget request;

- A defined scope of work and information regarding whether a vendor or consultant assisted in preparing the specifications or statement of work included in the information technology budget request;
- A range of options for completing the project, including the estimated costs for such options; and
- Any other available and relevant information obtained from the market research related to the information technology budget request.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1006 Relocation of statute - correction of statutory citation in rules. Under current law, if an executive branch agency rule, including a form incorporated into a rule, contains a citation to statute and the general assembly later relocates the statute in a way that renders the rule's citation to the statute inaccurate, to update the statutory citation the agency must conduct a rule-making hearing, including issuing a notice and receiving comments. The act allows agencies to correct statutory citations in the code of Colorado regulations without notice, comment, or a hearing by submitting to the secretary of state a specific, written determination by the attorney general.

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1047 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of local affairs. **Statutory Revision Committee.** Currently, the department of local affairs is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1051 Procurement code - modernization. The act makes the following changes to modernize and update the Colorado "Procurement Code" (code):

- Updates the terminology used in the code to make it consistent with common use, simplifies reporting requirements, and reorganizes provisions of the code for ease of use. In addition, the act clarifies the authority of the executive director of the department of personnel (executive director) to promulgate rules for the administration of the code.
- Makes promulgation of rules by the executive director permissive, rather than

mandatory, throughout the code and authorizes the executive director to delegate his or her authority to promulgate rules.

- Clarifies that state procurement officials, end users, vendors and contractors, and interested third parties, rather than only procurement staff, are required to adhere to ethical standards during all phases of the procurement process.
- Authorizes the chief procurement officer to develop and conduct a procurement education and training program for state employees and for vendors.
- Exempts the procurement of specified goods and services in addition to bridge and highway construction, the awarding of grants to political subdivisions, and procurement by institutions of higher education, from the code.
- Amends the definition of "grant" to provide consistency and to comply with federal requirements including the office of management and budget uniform guidance.
- Authorizes the state to extend an existing contract, with approval of the chief procurement officer, for a reasonable period if extenuating circumstances exist.
- Repeals provisions related to contract monitoring and reporting and allows for remedies, including suspension or debarment, for contractors who do not perform.
- Prohibits indemnification of vendors by the state and requires that state contracts be governed by Colorado law.
- Establishes a process in the code for soliciting a request for information (RFI) as a market assessment and information gathering tool. The act clarifies the appropriate methods to conduct market research.
- Clarifies the administrative remedies provisions in the code and provides guidance regarding the remedies process. Specifically, the act clarifies who may ratify a violation of the code, specifies when a stay will apply, authorizes the executive director to refer an appeal to the office of administrative courts, and states that only material issues may be appealed.
- Clarifies that all responses to RFIs are confidential until after an award based on the RFI has been made or until the procurement official determines that the state will not pursue a solicitation based on the RFI. In addition, the act authorizes the executive director to promulgate rules to clarify the process for classifying confidential or proprietary information.
- Streamlines the process by which state agencies and nonprofit agencies that employ people with severe disabilities may use the already existing set aside program in state procurement for persons with severe disabilities, and authorizes the executive director to promulgate rules for the administration of the program. In addition, the act relocates currently existing procurement preferences and goals into a new part and makes the language of those provisions consistent where possible.
- Provides state agencies with more flexibility to use cooperative purchasing to increase efficiencies and maximize state resources.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1058 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of personnel. **Statutory Revision Committee.** Currently, the department of personnel is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 8, 2017 **PORTIONS EFFECTIVE** March 8, 2017
PORTIONS EFFECTIVE January 1, 2020

H.B. 17-1059 Statutory reporting requirements - department of public safety - repeal or continue reports to the general assembly. **Statutory Revision Committee.** Currently the department of public safety is required to submit a number of reports (typically on an annual basis) to the general assembly or to specified legislative committees. The act repeals the department's obligations to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 30, 2017 **EFFECTIVE** August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1070 Division of fire prevention and control - unmanned aircraft systems study and pilot program created. The act requires the center of excellence (center) within the division of fire prevention and control within the department of public safety (department), upon receiving sufficient money in the form of gifts, grants, and donations, to conduct a study concerning the integration of unmanned aircraft systems (UAS) within state and local government operations that relate to certain public-safety functions (study). At a minimum, the study must:

- Identify the most feasible and readily available ways to integrate UAS technology within local and state government functions relating to firefighting, search and rescue, accident reconstruction, crime scene documentation, emergency management, and emergencies involving significant property loss or potential for injury or death; and
- Include consideration of privacy concerns, costs, and timeliness of deployment.

The act also creates, upon receipt of sufficient money in the form of gifts, grants, and donations, a UAS pilot program (pilot program) to integrate UAS within state and local government operations that relate to certain public-safety functions. The act requires the center to operate the pilot program.

Not later than one month after completing the study, the center shall submit a report

to the wildfire matters review committee and to the agriculture, livestock, and natural resources committee of the house of representatives and the agriculture, natural resources, and energy committee of the senate, or to any successor committees. The report must address each item of the center's study, as well as the results of the pilot program.

The act adds the study and the pilot program as permissible uses of money from the existing Colorado firefighting air corps fund.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1133 Secured transactions - filing-office rules - annual report - repeal. **Statutory Revision Committee.** The act repeals the requirement that the secretary of state annually report to the governor and legislature regarding filing-office rules promulgated under the "Uniform Commercial Code - Secured Transactions".

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

H.B. 17-1137 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of revenue. **Statutory Revision Committee.** Currently, the department of revenue is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare these reports. The repeal of the reports is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1144 Capital construction - automatic funding mechanism for payment of future costs - clarifications. In the case of appropriations for capital construction, not including information technology projects, the act requires the general assembly to include an annual depreciation-lease equivalent payment line item payable from the cash fund that is the funding source for the capital construction appropriation in the operating section of the annual general appropriation act for each state agency.

The act also clarifies that one appropriation may be for the acquisition, repair, improvement, replacement, renovation, or construction of more than one capital asset.

The act clarifies that "cash fund" does not include the money allocated to the division of parks and wildlife from lottery proceeds as specified in section 3 of article XXVII of the state constitution.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1176 Public employees' retirement association - employment after retirement - extension of limitations - retirees employed by a rural school district. The public employees' retirement association (PERA) employment after retirement provisions are modified for certain retirees hired by an employer in the school division of PERA if:

- The employer that hires the service retiree is a rural school district as determined by the department of education based on certain criteria and the school district enrolls 6,500 students or fewer in kindergarten through 12th grade;
- The school district hires the service retiree for the purpose of providing classroom instruction or school bus transportation to students enrolled by the district or for the purpose of being a school food services cook; and
- The school district determines that there is a critical shortage of qualified teachers, school bus drivers, or school food services cooks, as applicable, and that the service retiree has specific experience, skills, or qualifications that would benefit the district.

A service retiree who is a teacher, a school bus driver, or a school food services cook and who is hired by an employer in the school division that satisfies the criteria above may receive salary without a reduction in benefits for any length of employment in a calendar year if the service retiree has not worked for any PERA employer during the month of the effective date of retirement.

In addition, the employer that hires the service retiree is required to provide full payment of all PERA employer contributions, disbursements, and working retiree contributions. A service retiree who is a teacher, school bus driver, or food services cook and who is hired by an employer in the school division:

- Is not required to resume PERA membership;
- Will not receive a PERA health care premium subsidy;
- Is eligible to participate in the health plan offered by the employer;
- May not receive salary without reduction in benefits and without limitation in a calendar year for more than 6 consecutive years; and
- May not be employed by the school district from which he or she retired until 2 years after retirement if he or she retired without a full service retirement benefit.

By December 1, 2020, PERA is required to submit a report including specified information to the general assembly regarding the additional employment after retirement provisions for teachers, school bus drivers, and food services cooks.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1177 Colorado Open Records Act - extension of deadline from 3 to 14 days by which records requester seeking court order to inspect records is required to file notice with records custodian before filing application with district court - required personal meeting or telephonic communication between parties to determine if the dispute may be resolved without court action during 14-day period - permitted recourse to any method of dispute

resolution agreeable to both parties - allocation of expenses between or among parties. Under current law, any person denied the right to inspect any record covered by the "Colorado Open Records Act" (CORA) may apply to the district court of the district wherein the record is found for an order directing the custodian of such record to show cause why the custodian should not permit the inspection of such record; except that, at least 3 business days prior to filing an application with the district court, the person who has been denied the right to inspect the record is required to file a written notice with the custodian who has denied the right to inspect the record informing the custodian that the person intends to file an application with the district court. The act changes this deadline from 3 days to 14 days.

During the 14-day period before the person may file an application with the district court, the act requires the custodian who denied the right to inspect the record to either meet in person or communicate on the telephone with the person who has been denied access to the record to determine if the dispute may be resolved without filing an application with the district court. The meeting may include recourse to any method of dispute resolution that is agreeable to both parties. The act requires any common expense necessary to resolve the dispute to be apportioned equally between or among the parties unless the parties have agreed to a different method of allocating the costs between or among them. If the person who has been denied access to inspect a record states in the required written notice to the custodian that the person needs to pursue access to the record on an expedited basis, the act requires the person to provide such written notice, including a factual basis of the expedited need for the record, to the custodian at least 3 business days prior to the date on which the person files the application with the district court. In such circumstances, no meeting to determine if the dispute may be resolved without filing an application with the district court is required.

APPROVED by Governor May 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1208 Expedited criminal record sealing process - clarifications. During the 2016 session, the general assembly adopted an expedited process for sealing the criminal records of a person who is acquitted, whose case is completely dismissed, who completed a diversion agreement, or who completed a deferred judgment and sentence. The act clarifies that many of the general provisions related to criminal record sealing also apply to this expedited process. The act clarifies that if the case involved a crime that requires a victim to be notified of a motion for record sealing, the court shall allow up to 42 days to provide that notification before ruling on the motion on record sealing. The act clarifies that the filing fee for state court cases goes to the judicial stabilization fund and the filing fee in a municipal court goes to the municipality. The act allows the prosecuting attorney or law enforcement agency to release sealed police reports or protection orders to the victim, if the victim demonstrates that there is a need for the reports for a lawful purpose.

APPROVED by Governor June 5, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1209 Department of public safety - division of emergency management - office of prevention and security - manager - peace officer designation. The act designates the manager of the office of prevention and security within the division of homeland security and emergency management in the department of public safety a peace officer who has the authority to enforce all Colorado laws and who may be certified by the peace officer standards and training board.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1214 Office of economic development - revolving loan program to assist transitions of existing businesses to employee-owned businesses. The act requires the Colorado office of economic development (office) to engage the services of a local nonprofit organization that supports and promotes the employee-owned business model to educate the staff at the office on the forms and merits of employee ownership in order for the office to promote employee ownership as part of its small business assistance center.

The act requires the office to establish and administer a revolving loan program to assist transitions of existing businesses to employee-owned businesses. The act specifies that the office may enter into a contract, following an open and competitive process, with a local nondepository nonprofit organization that supports and promotes the employee-owned business model, a bank, or a nondepository community development financial institution to establish and administer the revolving loan program. The act allows the office to work with the Colorado housing and finance authority to assist in offering loans under the program. The act specifies the types of businesses that may qualify for the program, sets a maximum amount of any loan, and specifies what the loans may and may not be used for. The act also allows the office to seek matching private sector money to help capitalize the program.

The act authorizes the office to accept and expend gifts, grants, and donations to capitalize the program, and may annually keep the first 15% of the money raised for administration purposes. The act creates the revolving loan program cash fund and the money in the fund is continuously appropriated to the office.

The act also specifies that the office is required to establish guidelines and post on its website administrative details about the revolving loan program, such as fees, costs, interest rates, and loan terms.

The act includes a repeal of the section of law creating the program, effective July 1, 2022.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

H.B. 17-1217 State historical society - board - council - repeal. Under the law prior to the act, of the 9 members of the board of directors of the state historical society (board), the board is to recommend 4 members for appointment by the governor. The act repeals certain obsolete provisions, including the provision requiring recommendation by the board.

Under prior law, the directors council of the state historical society (council) was established. The act changes the language from establishing the council to allowing the board to establish the council. If the council is not established by June 1, 2020, the act repeals the section authorizing its establishment.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1221 Marijuana enforcement - unlawful marijuana cultivation assisting - gray and black market marijuana enforcement grant program - appropriation. The state constitution grants a person the authority to assist another person in cultivating medical and recreational marijuana plants. The act states that a person is not in compliance with the authority to assist another individual and is subject to marijuana cultivation criminal offenses and penalties if the person possesses any marijuana plant that he or she is growing on behalf of another individual, unless he or she is the primary caregiver for the individual and complies with all the requirements of being a primary caregiver.

The act creates the gray and black market marijuana enforcement grant program (grant program) in the division of local government in the department of local affairs (division). The grant program awards grants to local governments to reimburse the local governments, in part or in full, for law enforcement and prosecution costs associated with gray and black marijuana markets. A rural local government has priority in receiving grants. The general assembly may appropriate money from the marijuana tax cash fund or the proposition AA refund account to the division for the grant program. The division shall adopt policies and procedures for the administration of the grant program, including rules related to the application process and the grant award criteria. The division shall include information regarding the effectiveness of the grant program in its SMART presentation beginning in November 2019.

The act appropriates \$5,945,392 from the marijuana tax cash fund to the division to fund the grant program.

APPROVED by Governor June 8, 2017

EFFECTIVE July 1, 2017

H.B. 17-1223 State auditor - establishment and administration of fraud hotline - confidentiality protections - screening of hotline calls - consultation and coordination with state agencies - reporting results of investigations - annual report to legislative audit committee - protections against retaliation. The act requires the state auditor (auditor) to establish and administer a telephone number, fax number, email address, mailing address, or internet-based form whereby any individual may report an allegation of fraud committed by a state employee (employee) or an individual acting under a contract with a state agency (contracted individual). This system is referred to in the act as the "fraud hotline" or "hotline" and any report to the hotline as a "hotline call".

The act defines "fraud" to mean occupational fraud or the use of one's occupation for personal enrichment through the deliberate misuse or misapplication of the employing organization's resources or assets.

The auditor is prohibited from disclosing publicly, or when making a referral to another state agency, the identity of any individual who contacts the fraud hotline unless the individual grants the auditor express permission to make such disclosure. These restrictions do not apply when the auditor makes a disclosure to a law enforcement agency, a district attorney, or the attorney general in connection with a criminal investigation.

Under the act, the auditor is responsible for administering the hotline, including the screening of hotline calls and consulting and coordinating with state agencies to refer allegations of fraud by an employee or contracted individual that are reported to the hotline. In connection with the administration of the hotline, the act requires the auditor to:

- Publicize the existence and purpose of the hotline on the official website of the office of the state auditor; and
- Prepare and maintain work papers for the purpose of documenting the activities of his or her office in connection with hotline calls and investigations.

All work papers prepared or maintained by the auditor in connection with hotline calls and investigations must be held as strictly confidential by the auditor and not for public release. These restrictions shall not prevent communication by and among the auditor, a state agency, the governor, the legislative audit committee (committee), a law enforcement agency, a district attorney, or the attorney general in accordance with the requirements of the act. The act specifies that all work papers prepared or maintained by the auditor in connection with hotline calls shall not constitute public records for purposes of the "Colorado Open Records Act".

Upon receiving a hotline call, the auditor must conduct an initial screening of the call to determine whether the matter being reported constitutes an allegation of fraud committed by an employee or a contracted individual. The auditor is required to forward all hotline calls alleging fraud by a medicaid recipient to the department of health care policy and financing and all calls alleging fraud by a medicaid provider or contractor to the medicaid fraud control unit of the office of the attorney general.

If the auditor determines that a hotline call constitutes an allegation of fraud committed by an employee or contracted individual, the auditor is required to consult and coordinate with the management or designee of the affected state agency or, in the case of alleged fraud involving a gubernatorial appointee, the governor's office for the purpose of referring the hotline call and any related work papers to the affected agency. Upon receiving a referred hotline call from the auditor, the state agency is responsible for determining and taking appropriate action to respond to the referred hotline call and reporting back to the auditor. In determining appropriate action, the state agency may request either the assistance of the auditor to participate in an investigation or request that the auditor conduct the entire investigation.

When, at the request of a state agency, the auditor either participates in or conducts an investigation of a hotline call, the following additional requirements apply:

- The auditor is granted complete access to all of the books, accounts, reports, vouchers, or other records or information maintained by the agency that are directly related to the scope of the investigation;
- The auditor is required to report the results of the investigation to the head of

- the affected agency or, in the case of alleged fraud involving a gubernatorial appointee, to the governor's office. The auditor is also required to provide any workpapers prepared or maintained by the auditor during the investigation.
- If the investigation finds evidence that the amount of the alleged fraud exceeds \$100,000, the auditor is also required to report the results of the investigation to the committee and, with the approval of the committee, to the governor; and
- If the investigation finds evidence of apparently illegal transactions or misuse or embezzlement of public funds or property, the auditor is required to immediately report the matter to a law enforcement agency, a district attorney, or the attorney general, as appropriate.

When a state agency is referred a hotline call by the auditor and has not requested that the auditor either participate in or conduct the entire investigation, the state agency is required to report back to the auditor within 90 days on the disposition of the referral, including action the agency has taken to respond to the fraud allegation and the results of any subsequent investigation by the agency. If the state agency has not reached a disposition of the referred hotline call within 90 days, the agency must report to the auditor the current status of the referral as of the 90-day deadline. This reporting requirement continues every 90 days thereafter until the agency has reached a disposition of the referred hotline call.

Commencing with state fiscal year 2018-19, section 1 also requires the auditor to prepare an annual report to the committee providing an aggregate summary of activity relating to the fraud hotline during the preceding state fiscal year.

The act adds the administration of the hotline to existing statutory provisions specifying the auditor's powers and duties.

The act prohibits retaliation against either a state employee or an entity under contract with a state agency resulting from the employee's disclosure of information to the hotline except where the employee discloses information with disregard for its truth or falsity.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1228 Pet animal care and facilities act - licensing exemptions. The act clarifies that the "Pet Animal Care and Facilities Act" (PACFA) does not apply to the boarding or pet handling of 3 or fewer pet animals. The act further clarifies that a pet animal care technology platform is not a "pet animal facility" as defined in PACFA and thus exempts those businesses from the licensing requirements for pet animal care facilities.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1265 Public employees' retirement association - judicial division - contributions - amortization equalization disbursement - supplemental amortization equalization disbursement. For the calendar year beginning in 2019, for the judicial division of the public employees' retirement association (PERA) only, the amortization equalization

disbursement (AED), an additional employer contribution to reduce PERA's unfunded liability and amortization period, is increased to 3.40% of the employer's total payroll. The AED payment for the judicial division will increase by 0.4% of the employer's total payroll at the start of each of the following 4 calendar years through 2023. In addition, for the calendar year beginning in 2019, for the judicial division of PERA only, the supplemental amortization equalization disbursement (SAED), an additional employer contribution that is funded by money that would otherwise be available for employee salary increases, is increased to 3.40% of the employer's total payroll. The SAED payment for the judicial division will increase by 0.4% of the employer's total payroll at the start of each of the following 4 calendar years through 2023.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1295 Office of marijuana coordination - repeal. The governor's office of marijuana coordination, created in 2014 to coordinate the executive branch response to the legalization of retail marijuana, is repealed, effective July 1, 2017.

APPROVED by Governor May 25, 2017

EFFECTIVE July 1, 2017

H.B. 17-1296 Department of personnel - division of central services - assignment of state-owned motor vehicles - appropriation. The act clarifies that the division of central services (division) in the department of personnel (department) is authorized to permanently assign a state-owned motor vehicle (vehicle) to a state agency only when the state agency's use of the vehicle is likely to meet the minimum required mileage for the vehicle's intended work function or if the state agency can justify the need for permanent assignment of the vehicle because of its unique use.

The act creates new criteria for when a state agency may assign a vehicle to an officer or employee of the state agency for business and commuting. Such assignment may occur only if:

- Assignment of the vehicle is necessary to conduct official and legitimate state business;
- The vehicle meets the federal internal revenue service (IRS) definition of qualified nonpersonal use, or assignment of the vehicle is the most cost-efficient means of transportation to the state agency; and
- Assignment of the vehicle complies with any additional criteria established in rules adopted by the department.

The executive director of a state agency or their designee must authorize the assignment of a vehicle in writing and submit the authorization and any supporting documentation to the director of the division for review. The director of the division or the state controller is required to review any assignment of a vehicle to an officer or employee of the state agency. The director of the division or the state controller is required to verify that the state agency's assignment of a vehicle complies with state and federal law. If the review establishes that the assignment of a vehicle does not comply with state and federal

law, the division is required to revoke the assignment of the vehicle.

The requirement that a state officer or employee who has an assigned vehicle reimburse the state for the use of the vehicle is replaced by a requirement that when an officer or employee is assigned a vehicle because it is the most cost-efficient means of transportation to the state agency, the officer or employee must pay income tax on the value of the fringe benefit of the vehicle. The state controller is required to calculate and report as income the value of the vehicle's fringe benefit in accordance with IRS regulations.

The division is required to establish a program and adopt rules providing for annual verification by the director of the division or the state controller that the assignment of each vehicle to an officer or employee of a state agency still complies with the requirements of state and federal law. If the verification process establishes that the assignment of a vehicle does not comply with state and federal law, the division is required to revoke the assignment of the vehicle.

On or before September 1, 2019, the department of personnel is required to report to the legislative audit committee regarding the implementation and enforcement of the act. The department may make recommendations regarding further modifications to the criteria and requirements for the assignment of vehicles to officers and employees of state agencies for business and commuting purposes.

\$196,235 is appropriated from the motor fleet management fund to the department of personnel to implement the act. The act makes the following adjustment to the 2017 general appropriation act (SB 17-254): The appropriation made to the department of personnel is decreased by 2.0 FTE.

APPROVED by Governor June 2, 2017

EFFECTIVE September 1, 2017

H.B. 17-1298 Department of personnel - state personnel system - job evaluation and compensation - annual compensation report. The state personnel director's deadline to submit the annual compensation report and recommendations and estimated costs for state employee compensation for the next fiscal year to the governor and the joint budget committee is changed from August 1 of each year to September 15 of each year, beginning with the 2017 report.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

H.B. 17-1317 State historical society - authority to sell vacant property - proceeds to be credited to state museum cash fund. The act grants the state historical society the authority to sell a vacant cold storage facility located on the former Lowry Air Force base. The act specifies that the proceeds of the sale must be credited to the state museum cash fund to be used for capital outlay, capital construction, or controlled maintenance at museums statewide.

APPROVED by Governor May 21, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1346 Department of human services - authority to sell certain property - proceeds of sale credited to the Fort Logan land sale account in the capital construction fund. House Bill 16-1456, enacted in 2016, granted the department of human services the authority to sell up to 15 acres around the Colorado mental health institute at Fort Logan to the United States department of veterans affairs for the purpose of expanding the Fort Logan national cemetery. The act grants the department of human services authority to execute a land sale, at fair market value, to sell 51 additional acres, or up to 66 total acres. The act specifies that the proceeds of the sale of the additional 51 acres to the United States department of veterans affairs must be credited to the Fort Logan land sale account in the capital construction fund. The act then creates the account in the capital construction fund and specifies that the money in the fund may be used for future capital construction, capital renewal, or controlled maintenance expenses of the department of human services, contingent upon approval by both the office of state planning and budgeting and the capital development committee. The act further specifies that all or a portion of the money must be expended for veterans-related and behavioral health-related projects.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

H.B. 17-1359 Department of education - offices and positions - exemptions from state personnel system. The state board of education (board) is authorized to delegate to the commissioner of education (commissioner) the authority to determine that certain positions in the department of education (department) are director, consultant, supervisor, or instructor positions and therefore exempt from the state personnel system.

Any employee holding a position determined by the board or by the commissioner, as the board's designee, to be a director, a consultant, a supervisor, or an instructor position on or before September 1, 2017, remains exempt from the state personnel system so long as the employee continues to hold that position.

The board or the commissioner, as the board's designee, is required to determine which positions in the department meet the criteria to be exempt from the state personnel system; except that the board or commissioner may not determine that a position is exempt while it is held by an employee in the state personnel system.

On or before December 31 of each year, the commissioner is required to submit a report to the state personnel director listing all positions in the department that are exempt, pursuant to the board's statutory authority, from the state personnel system.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1361 Information technology resources - independent evaluation - recommendations - appropriation. The state auditor is required to retain a qualified, independent third-party consulting firm (firm) to evaluate:

- The centralization of the management of state agency information technology resources in the office of information technology (office) as a result of legislation adopted by the general assembly in 2008;

- Whether the executive branch of state government has a strategic plan in place to guide its process for evaluating, prioritizing, and selecting information technology projects that require new or ongoing appropriations of state money;
- The opportunities the state has to interface with the public through information technology;
- The office's working relationship with state agencies and institutions that were not included in the centralization of state agency information technology resources in the 2008 legislation but that rely on the office to provide certain information technology services or resources; and
- Consumer satisfaction among state agencies with the management of state agency information technology resources and access to state government via information technology resources.

The firm is required to provide the joint budget committee with an update regarding its progress in June 2018 and submit a report to the legislative audit committee, the joint technology committee, the joint budget committee, and the office by December 2018. The report is required to include recommendations to the office for industry best practice standards, recommendations for areas in which the office could work with the general assembly to improve the management of information technology resources and services, recommended future options for the state to solicit feedback from state residents regarding the public's opportunities to interface with state government, and policy discussions directed toward the general assembly.

After receiving the report from the consulting firm, the joint budget committee, the joint technology committee, the office of information technology, and any other relevant office or department are required to meet to discuss the implementation of the recommendations made in the report.

For the 2017-18 state fiscal year, \$300,000 from the general fund is appropriated to the office of the state auditor for the evaluation of state information technology resources. Any money not expended prior to July 1, 2018, is further appropriated to the office of the state auditor for the 2018-19 state fiscal year for the same purpose.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

HEALTH AND ENVIRONMENT

S.B. 17-17 Medical marijuana use - post-traumatic stress disorder. The act creates a statutory right to use medical marijuana for a patient with post-traumatic stress disorder. The act creates the same rights, limitations, and criminal defenses and exceptions as the constitutional right to use medical marijuana; except that for a person under the age of 18 to use medical marijuana for post-traumatic stress disorder one of the two physician recommendations must be from a board-certified pediatrician, a board-certified family physician, or a board-certified child and adolescent psychiatrist.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

S.B. 17-18 Health - sexually transmitted infections. The act fixes an incorrect amending clause from Senate Bill 16-146, concerning modernizing statutes related to sexually transmitted infections, that failed to repeal the entirety of part 14 of article 4 of title 25 prior to the repeal and relocation of sections in that part 14.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-56 Statutory reporting requirements - repeal or continuation of reports to the general assembly. Statutory Revision Committee. Currently the department of public health and environment is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor March 16, 2017 **PORTIONS EFFECTIVE** March 16, 2017
PORTIONS EFFECTIVE February 1, 2018

S.B. 17-65 Health care price information - transparency - patient access to information - no government review or approval of prices required. The act creates the "Transparency in Health Care Prices Act", which requires health care professionals and health care facilities to make available to the public, either electronically or by posting conspicuously on their websites, the health care prices they charge, before negotiating any discounts, for common health care services they provide to patients who will be paying directly for the services. For a health care professional in solo or small practice setting, the professional may comply with the requirements by making the health care price information available in the patient waiting area.

Health care professionals and facilities are not required to submit their health care prices to any government agency for review or approval. Additionally, the act prohibits health insurers, government agencies, or other persons or entities from penalizing a health

care recipient, provider, facility, employer, or other person or entity who pays directly for health care services or otherwise exercises rights under or complies with the act.

APPROVED by Governor April 6, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-137 Colorado health service corps advisory council - extend repeal. The Colorado health service corps advisory council reviews applications and makes recommendations for participation in the Colorado health service corps program (program). The program awards educational loan repayment for medical professionals who agree to provide primary health services in federally designated health professional shortage areas in Colorado.

The act continues the Colorado health service corps advisory council indefinitely.

APPROVED by Governor April 18, 2017

EFFECTIVE April 18, 2017

S.B. 17-190 Dental services - prohibition against setting fees - corrective action plan. The act prohibits a contract between an insurance carrier and a dentist from requiring the dentist to provide services to a covered person at a fee set by, or subject to the approval of, the carrier unless:

- The services are covered services under the person's policy;
- and the carrier provides payment for the service under the person's policy in an amount that is reasonable and not nominal or de minimis.

The act authorizes a dentist to charge a covered person for noncovered items or services in any amount determined by the dentist and agreed to by the patient if the amount is equal to, or less than, the usual and customary amount that the dentist charges individuals who are not enrolled for such items and services. The commissioner of insurance must institute a corrective action plan, which an insurance carrier must follow, if the commissioner determines that the carrier has not complied with these requirements.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-244 Retail food establishments - license fees - authority of a local board to set fees. Currently, retail food establishment license fees are established in statute. The act authorizes a county or district board of health (local board) to establish fees that are lower than the fees set in statute as long as the local board is in compliance with current law regarding food safety. The act prohibits a county government from supplanting funds from increased revenues based on increased license fees for other county programs prior to January 1, 2019.

The act requires a local board that chooses to establish fees lower than those in statute to continue to remit \$43 from each fee to the state treasurer.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1008 Water quality control - graywater control regulations - scientific research exemption. To facilitate scientific research related to graywater uses and systems, the act creates an exemption from the graywater control regulations for scientific research, as promulgated by the water quality control commission in the department of public health and environment, whereby a water utility, an institution of higher education in Colorado, or a public or private entity that a water utility or an institution of higher education in Colorado contracts with to conduct graywater research may collect, treat, and use graywater for purposes of scientific research if the entity:

- Utilizes a graywater treatment works system that incorporates a secondary water supply to provide an alternative source of water if any portion of the system does not function properly; however, scientific research involving the use of graywater exclusively for irrigation purposes need not incorporate a secondary water supply; and
- Collects, treats, and uses graywater in accordance with the terms and conditions of the decrees, contracts, and well permits applicable to the use of the source water rights or source water and any return flows.

Only an institution of higher education or a person contracting with an institution of higher education may collect, treat, and use graywater for research involving human exposure.

The entity conducting the research is required to report to the water resources review committee on an annual basis the results of periodic monitoring conducted to assess the continued functioning of the graywater treatment works system used in the project and, if the scientific research involves human exposure, the project's compliance with federal rules concerning the protection of human research subjects.

APPROVED by Governor May 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1079 Wholesale food manufacturing and storage - fees - appropriation. The act amends provisions related to the continued collection of fees related to wholesale food manufacturing and storage. Specifically, the act:

- Establishes an across-the-board annual application fee of \$100;
- Specifies that a nonprofit facility, grain storage facility, brewery, brew pub, winery, or distiller of spirituous liquors is required to pay only the annual \$100 application fee;

- Provides that wholesale food manufacturers or storage facilities with gross annual sales of less than \$150,000 are required to pay the annual \$100 application fee plus an additional registration fee of \$60;
- Provides that wholesale food manufacturers or storage facilities with gross annual sales of \$150,000 or more are required to pay the annual \$100 application fee plus an additional registration fee of \$300; and
- Increases the fee for a certificate of free sale from the existing \$128 to \$150.

The act also removes the repeal date from statute.

The act appropriates \$491,510 to the department of public health and environment for use by the division of environmental health and sustainability.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1173 Health care - required contract provisions between carriers and providers. The act requires a contract between a health insurance carrier (carrier) and a health provider (provider) to include a provision that prohibits a carrier from taking an adverse action against the provider due to a provider's disagreement with a carrier's decision on the provision of health care services.

The act also requires the contract to contain provisions that prohibit a carrier from: Taking adverse actions for communicating with public officials on health care issues; filing complaints or reporting to public officials about conduct by a carrier that might negatively affect patient care; providing information in a forum concerning the required contract provisions; reporting alleged carrier violations; or participating in an investigation of an alleged violation.

APPROVED by Governor April 6, 2017

EFFECTIVE July 1, 2017

H.B. 17-1240 Title 12 recodification study - relocation - emergency volunteer health practitioners - cancer drug treatment regulation. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, the act relocates the following laws:

- Article 29.3 of title 12, pursuant to which the department of public health and environment (department) regulates volunteer health practitioners and services provided by volunteer health practitioners during a declared emergency, to part 6 of article 1.5 of title 25; and
- Article 30 of title 12, pursuant to which the department regulates persons that represent that a drug, medicine, compound, or device is of value in the diagnosis, treatment, alleviation, or cure of cancer, and the drugs, medicines, compounds, or devices so represented, to article 48 of title 25.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1246 Heart attack care - reporting incidents to national database - department confidentiality requirements - STEMI task force recommendations. For purposes of implementing recommendations from the STEMI task force ("STEMI" is an acronym for ST-elevation myocardial infarctions), which was established in the department of public health and environment (department) to study and make recommendations for developing a statewide plan to improve quality of care to STEMI heart attack patients, the act:

- Requires a hospital that is accredited as a STEMI receiving center to report data on individuals with confirmed heart attacks within the state to a national registry designed for heart attack data;
- Within 30 days after receiving quarterly reports from the heart attack database, requires STEMI receiving center-designated hospitals to submit those reports to the department;
- Specifies that reports obtained by the department are privileged and strictly confidential, are not subject to subpoena or discovery, are not admissible in a civil, criminal, or administrative proceeding, and are not directly available to the public; and
- Requires the department to sign a letter of commitment with a nationally recognized body whose heart attack reports are provided to the department to ensure compliance with the confidentiality requirements and to request national reporting measures and metrics for benchmarking data.

Hospitals that are not STEMI receiving centers are encouraged to report heart attack data to a national heart attack data registry and share quarterly reports with the department.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

H.B. 17-1285 Water quality program - fee increases - general fund financing - appropriations. Current law finances the state's water quality program with a mix of general fund money and fees that are paid by sources that discharge pollutants into the state's waters. Section 2 of the act raises the fees and establishes goals for future adjustments of the ratio of revenue from fees and the general fund as follows:

- Commerce and industry sector: 50% general fund and 50% cash funds;
- Construction sector: 20% general fund and 80% cash funds;
- Municipal separate storm sewer: 50% general fund and 50% cash funds;
- Pesticides sector: 94% general fund and 6% cash funds;
- Public and private utilities sector: 50% general fund and 50% cash funds; and
- Water quality certifications sector: 5% general fund and 95% cash funds.

Section 3 adjusts the reporting by the department of public health and environment on the uses of these funds. Section 5 transfers \$809,107 from the water quality improvement fund to the general fund and further allocates that money to the commerce and industry, municipal separate storm sewer, and public and private utilities sector funds. Sections 6 through 13 make a variety of appropriations and adjustments to the 2017 long bill. Section 14 makes the fee increases take effect July 1, 2018.

APPROVED by Governor June 5, 2017

PORTIONS EFFECTIVE July 1, 2017
PORTIONS EFFECTIVE July 1, 2018

H.B. 17-1306 Drinking water - testing for lead - grants to public schools - appropriation. The act directs the department of public health and environment to establish a grant program to test for lead in public schools' drinking water. The department will give the highest priority to the oldest public elementary schools, then the oldest public schools that are not elementary schools, and then all other public schools. The department may also consider ability to pay in administering the program.

The department is directed to use its best efforts to complete all testing and analysis by June 30, 2020. The public school must give the test results to its local public health agency, its supplier of water, its school board, and the department. The department may use up to \$300,000 per year for 3 years for grants beginning on or after July 1, 2017, from the water quality improvement fund if there is money available after fully funding existing programs. The department shall provide 4 annual reports to the general assembly regarding implementation of the grant program, including any legislative proposals that may be warranted.

The act appropriates \$431,803 and 1.3 FTE to the department for the implementation of the act.

APPROVED by Governor June 8, 2017

EFFECTIVE June 8, 2017

HEALTH CARE POLICY AND FINANCING

S.B. 17-91 Medicaid - home health services - location of services - appropriation. Under current law, for some clients, home health services under the medicaid program may only be provided in the client's residence. The act removes the location restriction for home health services to comply with changes to federal medicaid rules that allow for services to be delivered in the community as well as the residence.

For the 2017-18 state fiscal year, the act appropriates \$1,043,783 from the general fund and cash funds to the department of health care policy and financing for medical services premiums. The general assembly anticipates receiving \$1,167,747 in federal funds for medical services premiums to implement this act.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

S.B. 17-121 Medicaid - client correspondence improvement - testing - appropriation. The act requires the department of health care policy and financing (department) to engage in an ongoing process to improve medicaid client correspondence, including client letters and notices, that concerns eligibility for or the denial, reduction, suspension, or termination of a benefit. Among other requirements included in the act, the department shall ensure that client correspondence is accurate, readable, and understandable, clearly conveying the purpose of the letter or notice and the specific action or actions that the client must take in response to the letter or notice.

The act requires the department to include in certain notices a specific and plain language explanation of the basis for the denial, reduction, suspension, or termination of a benefit and a description of necessary information or documents that the client has not provided. If sufficient state and federal appropriations are available, on and after July 1, 2018, the department shall make available electronically a client's information concerning household composition, assets, and income sources and amounts.

The department may test new or significantly revised client correspondence against the requirements included in the act with a representative sample of medicaid clients, advocacy organizations, and counties prior to implementing the client correspondence. The department shall also develop a process to consider feedback from stakeholders and counties prior to implementing significant changes to correspondence.

The department shall also ensure that letters and notices affecting clients with disabilities, seniors, and other vulnerable populations are appropriately prioritized for improvement consistent with the requirements in the act.

The department shall provide information concerning medicaid client correspondence improvements as part of its annual presentation to its legislative committee of reference.

For the 2017-18 state fiscal year, \$141,890 is appropriated to the department from the general fund and the hospital provider fee cash fund to implement this act. The general assembly anticipates that the department will receive matching federal funds. In addition, the act appropriates \$8,100 to the department of personnel for use by the administrative

courts for operating expenses.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-256 Medicaid - hospital provider fee - prioritize use of revenue. For the 2017-18 state fiscal year, if the amount of revenue collected from the hospital provider fee is insufficient to fully fund all of the statutory purposes for the fee, the act requires any reduction to be taken from hospital reimbursements.

The act reduces the cash funds appropriation from the hospital provider fee in the 2017 annual general appropriation act by \$264,100,000.

APPROVED by Governor May 8, 2017

EFFECTIVE May 8, 2017

S.B. 17-267 Rural sustainability - repeal of hospital provider fee program - creation of Colorado healthcare affordability and sustainability enterprise - health care delivery system reform incentive payments program - reduction of excess state revenues cap - classification of state reimbursement to local governments as TABOR refund mechanism - lease-purchase agreements to fund transportation and capital construction - exemption of marijuana from state sales tax - increase in state marijuana sales tax rate - allocation of state marijuana sales tax proceeds - required reduction in fiscal year 2018-19 departmental budget requests - elimination of general fund transfers to highway users tax fund - medical services copayment modifications - implementation of enhanced pediatric health home under federal "ACE Kids Act" - income tax credit for business personal property taxes paid - appropriations. Section 16 of the act repeals the existing hospital provider fee program, effective July 1, 2017, and section 17 creates a new Colorado healthcare affordability and sustainability enterprise (CHASE) within the department of health care policy and financing (HCPF), effective July 1, 2017, to charge and collect a healthcare affordability and sustainability fee that functions similarly to the repealed hospital provider fee. Because CHASE is an enterprise for purposes of the Taxpayer's Bill of Rights (TABOR), its revenue does not count against the state fiscal year spending limit (Referendum C cap).

Section 17 of the act also requires CHASE to seek any federal waiver necessary to fund and, in cooperation with HCPF and hospitals, support the implementation, no earlier than October 1, 2019, of a health care delivery system reform incentive payments program. Sections 2, 3, 6, 7, 11, 13, 15, 18 through 20, 22, and 32 make conforming amendments necessitated by the repeal of the hospital provider fee program and creation of CHASE, with section 32 extensively modifying fiscal year (FY) 2017-18 appropriations to reflect the repeal of the hospital provider fee program and the creation of CHASE. Section 34 specifies that the effective date of sections 2, 3, 6, 7, 11, 13, 15 through 20, 22, and 32 of the act is July 1, 2017, and that those sections do not take effect if the centers for medicare and medicaid services determine that they do not comply with federal law.

Section 11 of the act permanently reduces the Referendum C cap by reducing the FY 2017-18 cap by \$200 million and specifying that the base amount for calculating the cap for all future state fiscal years is the reduced FY 2017-18 cap. As is the case under current law,

the reduced cap is annually adjusted for inflation, the percentage change in state population, the qualification or disqualification of enterprises, and debt service changes.

Section 24 of the act specifies that for any state fiscal year commencing on or after July 1, 2017, for which revenue in excess of the reduced Referendum C cap is required to be refunded in accordance with TABOR, reimbursement for the property tax exemptions for qualifying seniors and disabled veterans that is paid by the state to local governments for the property tax year that commenced during the state fiscal year is a refund of such excess state revenue. The exemptions continue to be allowed at current levels and the state continues to reimburse local governments for local property tax revenue lost as a result of the exemptions regardless of whether or not there are excess state revenues. Section 27 prioritizes the new TABOR refund mechanism ahead of the existing temporary state income tax rate reduction refund mechanism as the first mechanism used to refund excess state revenue.

Section 12 of the act requires the state, on or after July 1, 2018, to execute lease-purchase agreements, including associated certificates of participation (COPs), for up to \$2 billion of eligible facilities identified collaboratively by the state architect, the office of state planning and budgeting (OSPB), and state institutions of higher education for the purpose of generating funding for capital construction projects and transportation projects. The lease-purchase agreements must be issued in increments of up to \$500 million in FYs 2018-19, 2019-20, 2020-21, and 2021-22. The first \$120 million of lease-purchase agreement proceeds from the FY 2018-19 issuance must be used to fund capital construction projects with most of that amount being dedicated for funding of level I, II, and III controlled maintenance projects. Remaining proceeds are credited to the state highway fund and are required by section 31 to be expended to fund state strategic transportation project investment program projects that are designated for tier 1 funding as 10-year development program projects on the department of transportation's development program project list, with at least 25% of such proceeds being expended to fund projects that are located in rural counties. At least 10% of such proceeds must be expended for transit purposes or for transit-related capital improvements.

The maximum term of the lease-purchase agreements is 20 years, and the maximum total annual repayment amount for lease-purchase agreements is \$150 million. Lease-purchase agreements must be paid, subject to annual appropriation by the general assembly or annual allocation by the transportation commission, first from up to \$9 million from the general fund or any other legally available source of money, next from up to \$50 million of legally available money under the control of the transportation commission solely for the purpose of allowing the construction, supervision, and maintenance of state highways to be funded with the proceeds of lease-purchase agreements, and last from up to \$91 million from the general fund or any other legally available source of money.

Sections 5 and 8 of the act specify that an academic facility is not eligible for controlled maintenance funding if it is acquired or constructed, or, if it is an auxiliary facility repurposed for use as an academic facility, solely from a state institution of higher education's cash fund and operated and maintained from such cash funds and if the acceptance of construction or repurposing occurs on or after July 1, 2018.

Section 29 of the act, in accordance with previously granted voter approval, increases the rate of the retail marijuana sales tax, which is currently 10% and is scheduled under current law to decrease to 8%, to 15%, effective July 1, 2017. Section 30 holds local governments that currently receive an allocation of 15% of state retail marijuana sales tax

revenue based on the current tax rate of 10% harmless by specifying that on and after July 1, 2017, they receive an allocation of 10% of state retail marijuana sales tax revenue based on the new rate of 15%.

Of the 90% of the state retail marijuana sales tax revenue that the state retains for state FY 2017-18:

- 28.15% less \$30 million stays in the general fund;
- 71.85% is credited to the marijuana tax cash fund; and
- \$30 million is credited to the state public school fund and distributed to rural school districts as specified in section 4 of the act.

Of the 90% of the state retail marijuana sales tax revenue that the state retains for state fiscal year 2018-19 and for each succeeding state fiscal year:

- 15.56% stays in the general fund;
- 71.85% is credited to the marijuana tax cash fund; and
- 12.59% is credited to the state public school fund and distributed to all school districts as specified in section 4 of the act.

Section 4 of the act requires the \$30 million of state retail marijuana sales tax revenue that is transferred to the state public school fund for FY 2017-18 to be appropriated to the department of education and allocated 55% to large rural school districts and 45% to small rural school districts and then distributed to the large and small rural school districts on a per pupil basis. Section 4 requires all of the state retail marijuana sales tax revenue that is transferred to the state public school fund for FY 2018-19 and for each subsequent fiscal year to be distributed to all school districts and institute charter schools as part of the state share of total program funding. On and after July 1, 2017, section 28 offsets a portion of the state retail marijuana sales tax rate increase by exempting retail sales of marijuana upon which the state retail marijuana sales tax is imposed from the 2.9% general state sales tax and section 23 ensures that local governments can continue to impose their local general sales taxes on retail sales of marijuana.

Section 9 of the act requires each principal department of state government, other than the departments of education and transportation, that submits an annual budget request to the OSPB, when submitting its budget request for FY 2018-19 to the OSPB, to request a total budget for the department that is at least 2% lower than its actual budget for the FY 2017-18. The OSPB must strongly consider the budget reduction proposals made by each principal department when preparing the annual executive budget proposals to the general assembly for the governor and must seek to ensure that the executive budget proposal for each department for FY 2018-19 is at least 2% lower than the department's actual budget for FY 2017-18.

Section 10 of the act eliminates FY 2018-19 and FY 2019-20 general fund transfers to the highway user tax fund required by current law. The eliminated transfers are in the amounts of \$160 million on June 30, 2019, and \$160 million on June 30, 2020.

Section 14 of the act specifies that on and after January 1, 2018, for pharmacy and for hospital outpatient services, including urgent care centers and facilities and emergency services provided under the "Colorado Medical Assistance Act", HCPF rules that specify the amount of copayments for such services must require the recipient to pay:

- For pharmacy, at least double the average amount paid by recipients in state fiscal year 2015-16; or
- For hospital outpatient services, at least double the amount required to be paid as specified in the rules as of January 1, 2017; except that
- For both pharmacy and hospital outpatient services, the amount required to be paid by the recipient may not exceed any specified maximum dollar amount allowed by federal law or regulations as of January 1, 2017.

Section 21 of the act requires HCPF, within 120 days of the enactment of the federal "Advancing Care for Exceptional Kids Act" (ACE Kids Act) and subject to available appropriations, to seek any federal approval necessary to fund, in cooperation with hospitals that meet the specified requirements, the implementation of an enhanced pediatric health home for children with complex medical conditions. HCPF must comply with ACE Kids Act requirements for its participation.

Section 25 of the act terminates an existing temporary income tax credit for business personal property taxes paid that is available only for income tax years commencing before January 1, 2020, one year early so that it is available only for income tax years commencing before January 1, 2019. Section 26 replaces the terminated temporary credit with a more generous permanent income tax credit for business personal property taxes paid on up to \$18,000 of the total actual value of a taxpayer's business personal property.

Section 1 of the act makes a legislative declaration that all provisions of the act relate to and serve and are necessarily and properly connected to the general assembly's purpose of ensuring and perpetuating the sustainability of rural Colorado.

The act makes adjustments to the 2017 general appropriation act (Senate Bill 17-254) for the implementation of the act.

\$3,750 is appropriated from the general fund to the department of revenue for tax administration IT system (GenTax) support to implement the act.

APPROVED by Governor May 30, 2017 **PORTIONS EFFECTIVE** May 30, 2017
PORTIONS EFFECTIVE July 1, 2017

S.B. 17-295 Medicaid - client and provider fraud - reporting. The act updates the department of health care policy and financing's (department) annual reporting on efforts to detect and prosecute medicaid client fraud and the attorney general's annual reporting on medicaid provider fraud. The act requires the state department to annually submit a single, comprehensive report on client and provider fraud in the medicaid program, including information received annually from the attorney general.

The act adds the joint budget committee to the legislative committees receiving the report and requires that the report include additional cost and savings information.

APPROVED by Governor June 2, 2017 **EFFECTIVE** August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1024 Commission on family medicine - nonsubstantive relocation of organic statutes. The act relocates the laws governing the commission on family medicine, an advisory body within the department of health care policy and financing (HCPF), from title 25 to title 25.5, Colorado Revised Statutes, which title generally pertains to HCPF.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1060 Statutory reporting requirements - indefinite continuation of reporting requirements - immediate or future repeal of obsolete provisions. Statutory provisions requiring reports from executive agencies or the judicial branch on a periodic basis expire on the day after the third anniversary of the date on which the first report was due unless the general assembly continues the reporting requirement.

Reporting requirements in sections 2, 6, 7, 9, and 10 continue indefinitely. Reporting requirements in sections 1, 3, and 4 are repealed. Reporting requirements in sections 5 and 8 are repealed on a future date.

APPROVED by Governor March 1, 2017

PORTIONS EFFECTIVE March 1, 2017

PORTIONS EFFECTIVE November 2, 2017

H.B. 17-1078 Colorado family support loan fund - repeal - transfer. The act repeals the Colorado family support loan fund and transfers any money remaining in that fund to a new fund created in the family support services program. The new family support services fund may be used for expenses relating to the termination and wind up of the Colorado family support loan fund and to provide services under the family support services program to support families caring for a family member with intellectual and developmental disabilities.

APPROVED by Governor March 8, 2017

EFFECTIVE July 1, 2017

H.B. 17-1126 Medicaid - appeals - administrative hearing - process. The act requires the administrative law judge hearing a medicaid appeal to review the legal sufficiency of the notice of action from which the recipient is appealing at the commencement of the appeal hearing if the notice of action concerns the termination or reduction of an existing benefit. If the notice is legally insufficient, the judge shall advise the appellant that he or she may waive the defense of insufficient notice and proceed to a hearing on the merits or may ask the judge to decide the appeal based on the judge's finding of insufficiency. The judge shall advise the appellant that a legally sufficient notice may be issued in the future and that the state may recoup benefits from the appellant.

The provisions of the act apply to hearings conducted on and after January 1, 2018.

APPROVED by Governor April 6, 2017

EFFECTIVE April 6, 2017

H.B. 17-1139 Medicaid - provider billing and collections. The act subjects a provider of medicaid services to a civil monetary penalty of \$100 for each violation if the provider improperly bills or seeks collection from a medicaid recipient or the estate of a medicaid recipient. The provider is also liable for a refund to the recipient of any amount unlawfully received from the recipient, including statutory interest, and for all amounts submitted to a collection agency in the name of the recipient. If, within 30 days of notification by the department of health care policy and financing (department), a provider voids the bill, returns any amounts unlawfully received, and makes every effort to resolve the collection action for the recipient, the provider is not subject to the penalties outlined in the act. A provider is not subject to the penalties outlined in the act if a person knowingly misrepresents his or her medicaid coverage status to the provider and the provider submits documentation relating to the misrepresentation. A provider may appeal the imposition of a civil monetary penalty.

In addition, the act allows the department to require a corrective action plan from any provider who fails to comply with rules, manuals, or bulletins issued by the department, the medical services board, or the department's fiscal agent or from a provider whose activities endanger the health, safety, or welfare of a medicaid recipient.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1143 Medicaid - client correspondence - audit. The act directs the office of the state auditor (OSA) to conduct or cause to be conducted an audit of client correspondence, including letters and notices, sent to clients or potential clients in medicaid programs. The audits will be conducted in 2020 and 2023 and thereafter at the discretion of the state auditor.

Among other items set forth in the act, the performance audits will review client correspondence for readability, understandability, and accuracy. In addition, the audits will review available county data regarding customer contacts relating to client confusion with client correspondence. The audit will also review any client correspondence testing process and whether testing is done prior to implementing significant revisions in client correspondence.

The OSA will report audit findings, conclusions, and recommendations to the legislative audit committee, the joint budget committee, the public health care and human services committee of the house of representatives, the health and human services committee of the senate, and the joint technology committee, or any successor committees.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1264 Medicaid - PACE program - local ombudsmen - appropriation. The existing all-inclusive care for the elderly (PACE) program includes the state PACE ombudsman. The act authorizes local PACE ombudsmen in the state ombudsman's office (office).

The act contains provisions relating to local PACE ombudsmen, including training,

designation as representatives of the office, access to PACE centers and participants, authority to file complaints on behalf of PACE participants, and immunity from liability. In addition, the act includes time frames for the state PACE ombudsman to complete duties and functions of the office, including establishing statewide policies and procedures for investigating and resolving complaints relating to PACE programs and training local PACE ombudsmen.

The department of human services shall report to legislative committees concerning the long-term care ombudsman program and the state PACE ombudsman program, including program caseloads and the need, if any, for additional local ombudsmen.

The act repeals statutory provisions relating to stakeholder recommendations and a report concerning the expansion of the PACE ombudsman program to include local PACE ombudsmen.

For the 2017-18 state fiscal year, the act appropriates \$75,000 from the general fund to the department of human services to implement this act.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1343 Medicaid - waiver services for persons with intellectual and developmental disabilities - conflict-free case management - implementation - appropriation. The act implements conflict-free case management for persons with intellectual and developmental disabilities who are enrolled in home- and community-based services under Colorado's medicaid program (persons with IDD).

The definition of conflict-free case management is included in the act and reflects the policy that case management services are provided to a person with IDD by an agency that is not also providing the same person services and supports unless a federal exemption is approved.

The act defines and creates case management agencies that will provide case management services, and contains provisions for the department of health care policy and financing's (department) oversight of case management agencies. The state medical services board (state board) shall promulgate rules for the certification and decertification of case management agencies, as well as rules that ensure that a person with IDD has access to case management services and that there is a process for a person to select the case management agency of his or her choice. A case management agency shall develop an individualized plan for these persons. Designated community-centered boards shall continue to develop individualized plans for a child with disabilities from birth to age 2 and for persons eligible for other programs. The act makes conforming amendments in existing statutes to add references to case management agencies, where relevant.

The act contains time frames for the implementation of conflict-free case management in Colorado. Initially, the department shall determine the options for community-centered boards to become compliant with conflict-free case management when serving persons with IDD. Conflicted community-centered boards are required to develop a business continuity plan to transition to providing either case management services or services and supports to these persons. The act includes a date by which all persons with IDD will be served through a system of conflict-free case management.

The act authorizes the department to seek a federal exemption from conflict-free case management in geographic areas within the state where the only willing and qualified entity to provide case management services is also the only willing and qualified entity to provide home- and community-based services in that geographic area. The act contains procedures and time frames for rural community-centered boards, as defined in the act, to request that the department seek the federal exemption. The act includes provisions relating to the denial of a federal exemption and requires state board rules for when a federal exemption is pending and for when there are multiple agencies operating in the same geographic area.

The act authorizes and prioritizes the use of money in the intellectual and developmental disabilities services cash fund (cash fund) for systems changes related to the implementation of conflict-free case management and repeals the cash fund in 2022.

For the 2017-18 state fiscal year, the act:

- Appropriates \$75,000 from the cash fund to the department's executive director's office to implement the act;
- Appropriates \$36,398 from the cash fund to the department's office of community living for personal services and operating expenses; and
- Anticipates that the department will receive federal funds in amounts that match the appropriations.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1351 Medicaid - substance use disorder - residential and inpatient treatment - department report - appropriation. The act requires the department of health care policy and financing (department), with assistance from the department of human services' office of behavioral health, to prepare a written report for committees of the general assembly relating to residential and inpatient substance use disorder treatment options under the medicaid program, the cost of treatment, and the potential impact on other state and county programs and services if residential and inpatient substance use disorder treatment options were effective. The report shall also include recommendations relating to the implementation of residential and inpatient substance use disorder treatment, better coordination of substance use disorder services among state agencies, and necessary changes to state law to implement treatment.

The act appropriates \$37,500 from the general fund to the department to implement the act. In addition, the general assembly anticipates that the department will receive matching federal funds.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1353 Medicaid - accountable care collaborative - implementation - performance-based provider payments. The act authorizes the department of health care policy and financing (department) to continue its implementation of the medicaid care delivery system, referred to as the accountable care collaborative (ACC). The bill defines the goals of the ACC and the department's implementation of the ACC, including, in part, establishing primary care medical homes for medicaid clients, providing regional coordination and accountability, and integrating physical and behavioral health care

delivery. The medical services board is required to promulgate rules implementing the ACC. The act requires the department to submit an annual report concerning the implementation of the ACC to the joint budget committee and to the health care committees of the house of representatives and of the senate that oversee the medicaid program. Among other information listed in the act, the report must include information on the number of medicaid clients participating in the ACC, performance results, and fiscal impacts of the ACC.

The act authorizes the department to develop performance-based payments for medicaid providers. Prior to implementing performance-based payments, the department shall report to the joint budget committee concerning the performance-based payments, including whether the payments require a budget request, the amount of the payments compared to total reimbursements for the affected service, and a description of the stakeholder process. After implementation of performance-based payments, the department shall report to legislative committees concerning the design and implementation of the performance-based payments.

APPROVED by Governor May 23, 2017

EFFECTIVE May 23, 2017

HUMAN SERVICES - BEHAVIORAL HEALTH

S.B. 17-19 Criminal and juvenile justice systems - behavioral health - medication consistency - appropriation. The act implements recommendations from the task force concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems and the medication consistency work group of the behavioral health transformation council to promote increased medication consistency for persons with mental health disorders in the criminal and juvenile justice systems. The recommendations include:

- Requiring the office of behavioral health (OBH), in consultation with the department of corrections, to promulgate rules that require providers under each department's authority to use an agreed upon medication formulary (formulary) by mental health providers and justice system providers (providers);
- Requiring OBH to conduct annual and biannual reviews of the formulary to address any urgent concerns related to the formulary, update the formulary, and ensure compliance with the medicaid formulary;
- Requiring the department of corrections, county jails, community mental health centers, the division of youth corrections, and other providers to share patient-specific mental health care and treatment information, provided that federal and state confidentiality requirements are met;
- Requiring OBH and relevant providers to develop a plan, on or before September 1, 2018, for electronically sharing patient-specific mental health care and treatment information across systems;
- Requiring OBH to encourage providers to utilize cooperative purchasing for the formulary to maximize statewide cost savings;
- Encouraging the pharmaceutical cooperative purchasing entity to include an ongoing drug utilization review process;
- Requiring OBH to investigate and develop options for collaboration with local county jails to coordinate medication purchasing. Based on that information, the behavioral health transformation council shall develop a medication purchasing plan on or before September 1, 2018; and
- Requiring the department of human services and the department of corrections to report progress on the implementation and use of the medication formulary and cooperative purchasing as part of each department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, beginning in January 2019 and annually thereafter.

For the 2017-18 state fiscal year, the act appropriates \$26,000 to the department of human services from the general fund for OBH personal services and operating expenses.

BECAME LAW June 10, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-21 Housing and reentry services for persons with a behavioral or mental health disorder following release from incarceration - cash fund - reversion of unspent community corrections appropriation. Subject to available appropriations, the act directs the division

of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a behavioral or mental health disorder who are being released from the department of corrections, the division of youth corrections in the department of human services, or jails. The program is funded by an appropriation from the marijuana tax cash fund and from money unspent by the division of criminal justice for community corrections programs in the 2016-27 fiscal year.

The act establishes a cash fund and authorizes appropriations from the marijuana tax cash fund for the program.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

S.B. 17-193 Substance use disorders - research - appropriation. The act establishes the center for research into substance use disorder prevention, treatment, and recovery support strategies at the university of Colorado health sciences center.

The act appropriates \$1,000,000 from the marijuana tax cash fund.

APPROVED by Governor May 18, 2017

EFFECTIVE May 18, 2017

S.B. 17-207 Behavioral health crisis response system - role - expansion - appropriation. The act clarifies the intent of the general assembly in establishing a coordinated behavioral health crisis response system (crisis system). The crisis system is intended to be a comprehensive, appropriate, and preferred response to behavioral health crises in Colorado. By clarifying the role of the crisis system and making necessary enhancements, the act puts systems in place to help Colorado end the use of jails and correctional facilities as placement options for individuals placed on emergency mental health holds if they have not also been charged with a crime and enhances the ability of emergency departments to serve individuals who are experiencing a behavioral health crisis. The crisis system is intended to provide an appropriate first line of response to individuals in need of an emergency 72-hour mental health hold. The statewide framework created by the crisis system strengthens community partnerships and ensures that first responders are equipped with a variety of options for addressing behavioral health crises that meet the needs of the individual in a clinically appropriate setting.

The act expands and strengthens the current crisis system in the following ways:

- Encourages crisis system contractors in each region to develop partnerships with the broad array of crisis intervention services in the region;
- Requires crisis system contractors to be responsible for community engagement, coordination, and system navigation for key partners in the crisis system. The goals of community coordination are to formalize key relationships within contractually defined regions, pursue collaborative programming for behavioral health services, and coordinate interventions as necessary with behavioral health crises in the region.
- Increases the ability of all crisis services facilities, including walk-in centers, acute treatment units, and crisis stabilization units within the crisis system, regardless of facility licensure, to adequately care for an individual brought to the facility in need of an emergency 72-hour mental health hold;

- Expands the ability of mobile response units to be available within 2 hours, either face-to-face or using telehealth operations for mobile crisis evaluations;
- Recognizes the obligations of hospitals and hospital-based emergency departments under federal law to screen and stabilize every patient who comes to the hospital-based emergency department, including those patients experiencing a behavioral health crisis; and
- Requires that, on or before January 1, 2018, all walk-in centers throughout the state be appropriately designated, adequately prepared, and properly staffed to accept an individual in need of an emergency 72-hour mental health hold.

The department of human services (department) shall ensure consistent training for professionals who have regular contact with individuals who are experiencing a behavioral health crisis. The department shall conduct a needs and capacity assessment of the crisis system.

The office of behavioral health is required to submit a report on or before November 1, 2017, and on or before May 1, 2018, concerning the status of funding, the use of new and existing resources, and the implementation of additional behavioral health crisis services. This report is separate and in addition to the information the department is required to provide concerning the crisis system in its annual SMART report to the general assembly.

The act removes language from statute that allows, at any time for any reason, an individual who is being held on an emergency 72-hour mental health hold to be detained or housed in a jail, lockup, or other place used for the confinement of persons charged with or convicted of criminal offenses. The effective date of this component of the act is May 1, 2018.

The act requires annual reports to the department by each emergency services facility that has treated a person pursuant to an emergency 72-hour mental health hold. The reports must only include aggregate and nonidentifying information. The reports must include information on the names and counties of involved facilities; the total number of persons treated at the facility; a summary regarding the different reasons for which persons were treated at the facility; and a summary of the disposition of the persons transferred to a designated mental health facility.

An appropriation from the marijuana tax cash fund is authorized.

APPROVED by Governor May 18, 2017 **PORTIONS EFFECTIVE** August 9, 2017
PORTIONS EFFECTIVE May 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-242 Mental health - disorders - substance use disorders - terminology - office of behavioral health. The act updates and modernizes terminology in the Colorado Revised Statutes related to behavioral health, mental health, alcohol abuse, and substance abuse. Based on specific contexts, the new terminology refers to behavioral health disorders, mental health disorders, alcohol use disorders, or substance use disorders.

Outdated references to the "unit in the department of human services that administers

behavioral health programs and services, including those related to mental health and substance abuse" have been corrected to use the actual current name of the office, which is "the office of behavioral health in the department of human services".

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

S.B. 17-246 Mental health - criminal and juvenile justice systems. The act changes the name of the "legislative oversight committee concerning the treatment of persons with mental illness in the criminal and juvenile justice systems" to the "legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems". The act makes a corresponding change to the associated task force and cash fund. The act also modernizes terminology related to mental health disorders.

APPROVED by Governor April 28, 2017

EFFECTIVE April 28, 2017

S.B. 17-264 Marijuana tax cash fund - approved uses - behavioral health services. The act clarifies that the authorized purposes for which the marijuana tax cash fund may be used include behavioral health services.

The act also repeals the offender mental health services fund, which no longer has a revenue source, and directs the remaining money in the fund to be transferred to the general fund.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1020 Criminal and juvenile justice systems - mental health disorders - task force. The act amends provisions in current statute to provide for ongoing staff support for the task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 17-16 Dependency and neglect - child protection teams. Current law requires the creation of a child protection team for any county or group of contiguous counties receiving more than 50 referrals related to child abuse or neglect in a year. Other counties or groups of contiguous counties are encouraged, but not required, to establish a child protection team. The act makes it optional for all counties and groups of contiguous counties to establish a child protection team, at the discretion of the county director or the directors of a contiguous group of counties. The state department of human services is directed to include a summary and description of the work of child protection teams in its annual "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" presentation.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-110 Child care - licensing - exemptions - family home child care. The act increases the accessibility of legal child care by expanding the circumstances under which an individual can care for children from multiple families for less than 24 hours without obtaining a child care license.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-217 Colorado board of commissioners of veterans community living centers - continuation under sunset law. The act implements the recommendations of the sunset review and report on the Colorado board of commissioners of veterans community living centers by eliminating the repeal date of the board and extending the board indefinitely.

APPROVED by Governor June 1, 2017

EFFECTIVE June 1, 2017

S.B. 17-219 Advisory boards for veterans community living centers - continuation under sunset law. The act implements the recommendations of the sunset review and report on the advisory boards for veterans community living centers by eliminating the repeal date of each such board and extending each such board indefinitely.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

S.B. 17-234 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of human services. **Statutory Revision Committee.** Currently, the department of human services is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare other reports. The repeal or continuation of

each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-292 Colorado works program - employment opportunities with wages program - creation - appropriation. The act directs the department of human services (department) to work with counties and the Colorado work force development council to develop program and reporting requirements for an employment opportunities with wages program (employment program). The department shall seek input from community-based organizations and businesses when creating the employment program.

The department is authorized and directed to contract with an independent entity to evaluate the employment program to annually assess its efficacy and effectiveness in meeting the objectives of the Colorado works program. A final evaluation report must be completed on or before October 1, 2020.

The department is required to submit 3 annual reports to the joint budget committee and joint health and human services committee, beginning October 15, 2018.

The employment program is repealed, effective September 1, 2021.

The act appropriates \$4,000,000 to the office of self sufficiency in the department.

APPROVED by Governor May 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1045 Medicaid - home care allowance grant program - extend repeal. The act modifies the repeal date of the home care allowance grant program (program). The program will repeal when the revisor of statutes receives notice that there is a consumer-directed service delivery option available for homemaker, personal care, and medical support services for individuals who are receiving home-based and community-based services pursuant to the supported living services waiver.

The act requires the executive director of the department of human services and the executive director of the department of health care policy and financing to notify the revisor of statutes when the triggering event occurs.

For the 2017-18 state fiscal year, the act appropriates \$695,107 of general fund to the department of human services for the home care allowance grant program.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1052 Child welfare services - allocation formula. The act removes certain data-gathering factors currently required to be taken into consideration in determining a fiscal year's child welfare allocation formula for counties and replaces those with a broader scope of factors that directly affect the population of children in need of child welfare services, as determined by the state department of human services and the child welfare allocations committee.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1106 Early childhood leadership commission - extend repeal. The act amends the statutes relating to the early childhood leadership commission (commission) in the department of human services (department). The act:

- Changes the legislative declaration, mission, and duties of the commission to include consideration of families of pregnant women and children;
- Repeals the early childhood leadership commission fund;
- Changes the title of the person appointed to assist the department in fulfilling the duties of the commission from "executive director" to "director";
- Removes the requirement that the director be compensated from money credited to the early childhood leadership commission fund, and instead requires that the director be compensated with federal funds or gift, grants, or donations, and not with money from the general fund;
- Permits the commission to seek, accept, and expend gifts, grants, and donations for the expenses of the commission; and
- Extends the repeal date and sunset review of the commission prior to its repeal from 2018 to 2023.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1135 Child care - background checks - transfer with employment. The act creates a new provision that allows a child care worker who is employed in a licensed facility that is wholly owned, operated, and controlled by a common ownership group or school district to use a single completed fingerprint-based criminal history record check and a check of the records and reports of child abuse or neglect maintained by the department of human services to satisfy the requirements of the necessary background checks if the employee also works for or transfers to another licensed facility that is owned, operated, or controlled by the same common ownership group or school district, provided all other requirements for employment are met.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 17-1283 Child welfare workers - resiliency programs. The act creates a task force to organize county-level versions of and guidelines for child welfare caseworker resiliency programs modeled on national resiliency programs. The membership of the task force is outlined, along with its duties and reporting requirements.

The task force is repealed, effective September 1, 2018.

APPROVED by Governor May 22, 2017

EFFECTIVE May 22, 2017

H.B. 17-1284 Mistreatment of at-risk adults - records of perpetrators - employer request for records check - appropriation. The act establishes a state-level program (program) within the department of human services (department) for a check of the department's Colorado adult protective services (CAPS) data system. The CAPS check verifies whether a person is substantiated in a case of mistreatment of an at-risk adult, as defined in the act.

On and after January 1, 2019, the act requires certain employers at facilities or programs that serve at-risk adults, or a person or entity conducting an employment check on behalf of the employer, to request a CAPS check prior to hiring employees who will provide direct care, as defined in the act, to at-risk adults. The act grants immunity from civil liability for employers who make an employment decision based upon the information obtained in the CAPS check, unless the employer knows that the information is false. A person who improperly releases or willfully permits the release of CAPS information to persons not entitled to access to the information pursuant to the program commits a class 1 misdemeanor.

The act requires the department to promulgate rules relating to the investigation of reports of mistreatment of at-risk adults and the notification of perpetrators of the finding and of the right to administrative appeal to the department. The department shall provide training to county departments of human or social services relating to investigations, the accurate entry of documentation into CAPS, and confidentiality of information. Further, the department shall promulgate rules concerning the process and procedures for the CAPS check, including rules relating to submitting a CAPS check request, the timeline for completion of a CAPS check, the employer-paid fee for each check, department personnel granted access to CAPS, information provided to an employer as part of a CAPS check, the consequences of the improper release of the information in CAPS, and the expungement of records in CAPS.

The list of employers required to request a CAPS check includes:

- Any health facility licensed by the department of public health and environment;
- An adult day care facility;
- A community integrated health care service agency;
- A community-centered board or service agency;
- A single entry point agency;
- An area agency on aging;
- A facility operated by the department for persons with mental illness;

- A facility operated by the department for persons with intellectual and developmental disabilities;
- A veterans community living center; and
- County departments of human or social services, that conducts a CAPS check of adult protective services employees.

For the 2017-18 state fiscal year, the act appropriates \$428,779 from the general fund to the department of human services and \$42,773 from the general fund to the department of law for the implementation of this act.

APPROVED by Governor May 30, 2017

EFFECTIVE May 30, 2017

H.B. 17-1292 Child welfare services - licensed out-of-home placement providers - rates - appropriation. The act sets forth guidelines for the establishment of provider rates for licensed out-of-home placement providers (providers). Rules adopted by the department of human services (department) concerning provider rates must include cost-of-living adjustments and provider rate increases approved by the general assembly.

The department is directed to continue completing an annual review of the methodology by which counties evaluate and negotiate provider rates and outcomes and submit a report to the joint budget committee. As part of the continuing review, the department shall contract with an independent vendor to:

- Perform a salary survey and study related to the delivery of child welfare services. The study must include salary surveys for providers, child placement employees, residential child care facility employees, and state and county employees involved with the provision of child welfare services.
- Perform an actuarial analysis of the costs necessary to provide services at a level required by state statute, departmental rule, or federal rules and regulations, as appropriate for the families referred; and
- Develop a rate-setting methodology for provider compensation using the salary survey and actuarial analysis. In developing the rate-setting methodology, the independent vendor shall solicit input from representatives of the state department, counties, the provider community, and the department of health care policy and financing. The rate-setting methodology must clearly include a process by which the full amount of any provider rate adjustments to the base rate or previously contracted rate approved by the general assembly are included as part of any final contract with a provider.

The department shall provide the joint budget committee with a report defining the new rate-setting methodology on or before April 2, 2018.

The new rate-setting methodology must be implemented on or before June 1, 2018, except for those rates that must be approved by the federal centers for medicare and medicaid services.

The act appropriates \$300,000 to the department of human services for use by the division of child welfare.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1355 Child care assistance program - block grants - child care improvement activities. Current law provides that money allocated to a county through a county block grant for the child care assistance program may be used for the provision of child care services. The act expands allowable uses of such money to the provision of child care improvement activities as identified in the federal "Child Care and Development Block Grant Act of 2014", as amended.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1365 Public assistance - electronic benefits transfers for accessing benefits from ATMs - prohibited at liquor-licensed establishments - exemption for liquor-licensed drugstores. The act exempts liquor-licensed drugstores from the law prohibiting an establishment that is licensed to sell malt, vinous, or spirituous liquors from having an automated teller machine on the premises from which individuals enrolled in public assistance programs administered by the department of human services may obtain cash benefits through the electronic benefits transfer service.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

INSURANCE

S.B. 17-88 Participating provider networks - health insurer selection standards - development, use, and disclosure of standards - reconsideration of decisions affecting participating providers - notice to providers - enforcement by insurance commissioner - appropriation. The act requires a health insurer (carrier) to develop and use standards for:

- Selecting participating health care providers (providers) for its network of providers; and
- Tiering providers within a tiered network if the carrier offers a tiered network.

A carrier cannot establish selection and tiering criteria in a manner that would allow a carrier to discriminate against high-risk populations or exclude providers that treat high-risk populations. A carrier must make its standards for selecting and tiering available to the commissioner of insurance for review, communicate the standards to providers participating in one or more of the carrier's networks, and make the standards available, in plain language, to the public. Additionally, upon request but not more often than quarterly, a carrier must provide a provider who is participating in one or more of its networks with a complete list of all network plans and products the carrier offers to consumers.

At least 60 days before implementing a decision to terminate a participating provider or place a participating provider in a tiered network, a carrier must notify the affected provider in writing of the pending action, including an explanation of the reasons for the proposed action, and inform the provider of the right to request that the carrier reconsider its decision. A carrier must develop procedures for participating providers to request reconsideration of a pending action. When a carrier does not select a provider to participate in the carrier's provider network, the carrier shall provide written notice to the provider.

If the commissioner determines that a carrier has failed to comply with a requirement of the act, the commissioner shall require the carrier to follow a corrective plan and may use enforcement powers available under the insurance laws to obtain compliance.

The act appropriates \$42,006 to the department of regulatory agencies for use by the division of insurance to implement the act, with \$36,828 allocated for personal services and \$5,178 allocated for operating expenses and capital outlay costs.

APPROVED by Governor April 18, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-198 Domestic insurers - health plans - acquisition of control - public notice - appropriation. Current law requires an opportunity for public notice and a hearing for proposed transactions that would result in the acquisition of control of a domestic insurer, which is one that is incorporated or formed pursuant to Colorado law. Section 1 of the act expands the public notice for acquisition of a domestic insurer that offers health plans by requiring the commissioner of insurance to make certain information available for public inspection if the application presents prima facie evidence of a violation of the competitive standards established by law.

Section 2 appropriates \$9,505 from the division of insurance cash fund, which is reappropriated to the department of law for implementation of the act along with 0.1 FTE.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

S.B. 17-203 Health insurance - prescription drugs - step therapy - limits on requirement by carrier. The act prohibits an insurance carrier from requiring a covered person to undergo step therapy and requires the carrier to provide coverage for a prescribed drug as long as the drug is on the carrier's prescription drug formulary, the covered person has tried a step-therapy-required drug under a health benefit plan, and the drug was discontinued.

A carrier, health benefit plan, or utilization review organization may request documentation to support an override request.

The act defines "step therapy" as a protocol that requires a covered person to use a prescription drug or sequence of prescription drugs, other than the drug that the covered person's health care provider recommends for the covered person's treatment, before the carrier provides coverage for the recommended drug.

APPROVED by Governor June 2, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-249 Division of insurance - continuation under sunset law - jurisdiction over health maintenance organizations - study and report on preneed funeral contracts - scope of regulation - fines and penalties - permissible surcharges. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the functions of the division of insurance (division) by:

- Continuing the functions of the division for 13 years, until 2030 (sections 1 and 2 of the act);
- Establishing a separate sunset date for the regulation of preneed funeral contracts in 2022 (sections 1 and 6);
- Reassigning certain duties related to health maintenance organizations from the executive director of the department of public health and environment to the commissioner of insurance (commissioner) (sections 7 through 14);
- Repealing the "Certified Capital Company Act", effective July 1, 2025 (section 15);
- Removing the exemption of policies with more than 4 automobiles from consumer protection provisions (section 16);
- Eliminating the requirement that an insurer authorized to transact business in Colorado file a schedule of insurance rates for required minimum coverages by July 1, 2003 (section 17);
- Expanding the definition of "enrollee" to include an individual who is or has been enrolled in a health coverage plan (section 18);
- Revising the definition of "participating provider" to include providers in other states that are part of the carrier's managed care network since consumers may use contracted providers in other states when Colorado

- insurance protections are applicable (section 18);
- Repealing the 35% surcharge above the modified community rate that an insurance carrier is permitted to impose on small employers that previously purchased self-funded health benefit coverage or a health benefit plan that was not a small group plan (section 19);
- Repealing the requirement for a one-time training course that was to be completed by January 1, 2009 (section 20);
- Changing a reference to the location of the definition of health care providers from the statutes governing reimbursement to providers of health care services to refer to statutes governing the statewide managed care system (section 21); and
- Clarifying that all bail agents licensed by the division are exempt from the private investigator licensing statute (section 22).

Sections 3 and 4 of the act require fines and penalties levied on insurers to relate to the general business practices and compliance activities of insurers.

Section 5 of the act requires the division to study the compliance of preneed funeral contract sellers with Colorado law and report the findings of the study to the legislature not later than September 1, 2017.

Certain sections of the act are contingent on whether or not House Bill 17-1231 becomes law.

APPROVED by Governor June 1, 2017 **PORTIONS EFFECTIVE** June 1, 2017
PORTIONS EFFECTIVE September 1, 2017

NOTE: House Bill 17-1231 was signed by the governor, June 1, 2017.

S.B. 17-274 Surplus lines insurance - disability insurance. Current law allows nonadmitted insurers to offer only property and casualty insurance as types of surplus lines insurance. The act:

- Defines "disability insurance" as insurance that is in excess of policy limits available from an admitted insurer, provides income replacement to an insured who becomes an individual with a disability while covered by a policy, and does not provide coverage for the diagnosis or treatment of an insured's disability; and
- Allows nonadmitted insurers to offer disability insurance as a type of surplus lines insurance.

APPROVED by Governor June 5, 2017 **EFFECTIVE** August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-300 Health care coverage - high-risk individuals - insurance commissioner to study and report. The act directs the commissioner of insurance to study methods of providing health care coverage to high-risk individuals and reducing health insurance premiums in the

individual market, which study is to explore the feasibility of maintaining health care coverage for high-risk individuals through a reinsurance program or other high-risk program. In conducting the study, the commissioner is to consider:

- Requirements under applicable federal law;
- Potential financial impacts on consumers and businesses;
- Potential funding mechanisms to ensure financial sustainability of a high-risk or reinsurance program; and
- Necessary procedural requirements for seeking any required federal waivers or other authorization to implement and fund such programs.

The commissioner is to submit a report on the study to the joint budget committee and other specified legislative committees by October 1, 2017, and present the report to specified legislative committees during SMART Act hearings prior to the 2018 legislative session.

The commissioner is authorized to seek, accept, and expend public and private gifts, grants, and donations or any federal funding to defray study costs.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1094 Health insurance - coverage - health care services delivered via telehealth. Under current law, health benefit plans are required to cover health care services delivered to a covered person by a provider via telehealth in the same manner that the plan covers health care services delivered by a provider in person. The act clarifies that:

- A health plan cannot restrict or deny coverage of telehealth services solely based on the communication technology or application used to deliver the telehealth services;
- The availability of telehealth services does not change a carrier's obligation to contract with providers available in the community to provide in-person services;
- A covered person may receive telehealth services from a private residence, but the carrier is not required to pay or reimburse for any transmission costs or originating site fees the covered person incurs;
- A carrier is to apply the applicable copayment, coinsurance, or deductible amount to health care services a covered person receives through telehealth, which amount cannot exceed the amount applicable to those health care services when delivered through in-person care; and
- Telehealth includes health care services provided through HIPAA-compliant audio-visual communication or the use of a HIPAA-compliant application via a cellular telephone but does not include voice-only telephone communication or text messaging.

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1186 Health care coverage - prescription contraceptives - coverage of multiple-months' supply. The act requires health insurers that issue individual and group sickness and accident policies, contracts, or plans that are required under current law to provide contraception coverage to reimburse participating providers or in-network dispensing entities for:

- Dispensing prescription contraceptives in a 3-month supply for the first dispensing to the insured person and for a 12-month supply for subsequent dispensings of the same prescription contraceptive to the insured person; or
- Dispensing to the insured person a prescribed vaginal contraceptive ring intended to last for 3 months.

"Prescription contraceptive" is defined as a medically acceptable oral drug or contraceptive patch that is used to prevent pregnancy, that requires a prescription, and that is covered under the terms of the policy, contract, or plan issued by a health insurer subject to regulation by the state.

APPROVED by Governor June 5, 2017

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1231 Regulation of insurance companies - oversight by commissioner of insurance - market conduct examinations - decoupled from financial examinations - civil penalty authority. The commissioner of insurance (commissioner) is authorized to conduct financial examinations and market conduct examinations of companies engaged in the insurance business in Colorado. Financial examinations, which the commissioner conducts on every company domiciled in Colorado once every 5 years, are intended to ensure that regulated insurance companies have proper corporate governance and internal controls and are able to pay claims. Market conduct examinations are intended to ensure that regulated insurance companies are complying with applicable laws and rules and that policyholders, providers, and beneficiaries are treated equitably.

The act:

- Consolidates and relocates provisions that apply generally to the commissioner and the division of insurance (division) regarding confidential treatment of documents the commissioner obtains during an investigation, the subpoena powers of the division, and the commissioner's ability to contract with experts in conducting an investigation;
- Repeals and relocates market conduct provisions in order to separate the market conduct examination provisions from the financial examination provisions and more clearly delineate the scope and functions of the 2 distinct types of examinations conducted by the commissioner; and
- With regard to market conduct reviews, uses the term "market conduct surveillance" and specifies the types of activities included in that term, such as market analysis, interrogatories, and market conduct examinations.

With regard to the commissioner's ability to impose a monetary penalty for a violation of any law, rule, or lawful order that is discovered during market conduct surveillance, the

act:

- Caps the penalty at \$3,000 per violation, not to exceed an aggregate penalty of \$30,000, and for conduct that a company knew or should have known was a violation, \$30,000 per violation, not to exceed an aggregate penalty of \$200,000;
- Requires the commissioner to ensure that any fine or penalty imposed is consistent, reasonable, and justified;
- When determining the amount of a civil penalty and whether to stay any portion of the penalty, requires the commissioner to consider: Actions taken by the company to maintain memberships in best-practice organizations; the extent to which the company maintains compliance programs to self-assess, self-report, and remediate detected problems; and regulatory compliance programs or corrective actions voluntarily implemented by the company before or during the market conduct surveillance.

APPROVED by Governor June 1, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1263 Limited lines property insurance - self-storage space. The act authorizes the commissioner of insurance to issue a license that allows an owner or operator of a self-service storage facility to offer limited lines insurance to the occupant of self-storage space at the facility to cover the occupant's personal property that is stored in the self-storage space.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 17-11 Transportation access for people with disabilities - technical demonstration forum. The act creates an 8-member technical demonstration forum to study and document how advanced technologies can improve transportation access for people with disabilities. The forum consists of the following agency officers or their designees:

- The executive director of the department of labor and employment, who serves as chair of the forum;
- The executive director of the department of health care policy and financing, who serves as vice-chair of the forum;
- The director of the public utilities commission;
- The chief information officer of the office of information technology;
- The executive director of the department of human services;
- The director of the division of veterans affairs;
- The superintendent of the Colorado school for the deaf and the blind; and
- The executive director of the department of transportation.

To demonstrate the transportation access needs of people with disabilities in both urban and rural areas of the state, the forum is directed to study the transportation access needs of people with disabilities in El Paso and Teller counties and explore technological and transportation business solutions that could increase transportation access for people with disabilities in those areas. The forum may recommend that the executive director of the department of labor and employment enter into a contract with a technology developer or transportation business to conduct one or more pilot projects in El Paso county, Teller county, or both, to demonstrate the efficacy of a certain technology or transportation business product to improve transportation access for people with disabilities.

On or before December 31, 2017, the forum is required to publish a report of its research and findings, including the results of any pilot projects and any legislative recommendations developed, and to furnish copies of the report to the governor, members of the general assembly's majority and minority leadership, the members of the health committees in the house of representatives and the senate, the members of the transportation committees in the house of representatives and the senate, and the members of the joint budget committee.

The forum and its responsibilities are repealed, effective July 1, 2018.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

H.B. 17-1021 Division of labor standards and statistics - disclosure of information concerning violation of wage laws - exception for trade secrets - procedure for determination. The act clarifies that information obtained by the division of labor standards and statistics in the department of labor and employment that relates to a finding by the division of a violation of wage laws is not confidential and shall be released to the public unless the director of the division makes a determination that the information includes specific information that is a trade secret. The act specifies the time limits and procedures governing an employer's request to withhold trade secret information.

APPROVED by Governor April 13, 2017

EFFECTIVE April 13, 2017

H.B. 17-1119 Workers' compensation - benefits for injured workers of uninsured employers - creation of uninsured employer fund - creation of uninsured employer board - rules - appropriation. The act creates the "Colorado Uninsured Employer Act" to provide a new mechanism for the payment of covered claims to workers who are injured while employed by employers who fail to carry workers' compensation insurance. The mechanism will be administered by the uninsured employer board, which is authorized to establish the criteria for the payment of benefits; set benefit rates; adjust claims; and adopt rules. Additionally, the board is required to adopt, by rule, a plan of operation to administer the Colorado uninsured employer fund and to institute procedures to collect money due to the fund.

The act creates the Colorado uninsured employer fund, which consists of penalties from employers who fail to carry workers' compensation insurance; gifts, grants, and donations made to the fund; and money appropriated to the fund. The board will use money in the fund to pay benefits to qualified employees and administrative costs of the uninsured employer board.

The act appropriates \$6,000 from the workers' compensation cash fund to the department of labor and employment in the 2017-18 fiscal year for use by the division of workers' compensation for operating expenses to implement the act.

APPROVED by Governor June 5, 2017

EFFECTIVE July 1, 2017

H.B. 17-1229 Workers' compensation - mental impairment claims. The act adds the definitions "mental impairment", "psychologically traumatic event", and "serious bodily injury" to the workers' compensation statutes for the purposes of clarifying a worker's right to compensation for any claim of mental impairment.

APPROVED by Governor June 5, 2017

EFFECTIVE July 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1269 Wage information - discriminatory and unfair labor practice. The act strikes a reference to federal law that exempts certain classes of employers from labor laws concerning an employee's inquiry, discussion, or disclosure of wage information.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1272 Statutory reporting requirements - repeal or continuation of reports to the general assembly. Statutory Revision Committee. Currently, the department of labor and employment is required to submit 2 reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare one report on a specified effective date and continues one report indefinitely. The repeal or continuation of each report is now consistent with the statutory requirements that

reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1357 WORK act - extension - expedited procedure for repeat applicants - removal of cap on expenditures in fiscal year. The act:

- Extends the duration of the "Skilled Worker Outreach, Recruitment, and Key Training Act", also known as the "WORK Act", administered by the department of labor and employment (department) through the 2018-19 state fiscal year;
- Authorizes the department to use an expedited procedure, instead of following the procedures required under the "Procurement Code", for accepting and reviewing an application for an additional or extended grant from an applicant who previously received a grant under the WORK grant program if specified conditions are met; and
- Removes the cap on the amount of money appropriated to the WORK fund that may be expended in a given fiscal year.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

MILITARY AND VETERANS

S.B. 17-183 Grants related to the USS Colorado - appropriation. The act requires the department of military and veterans affairs to make grants to support the USS Colorado, a soon-to-be commissioned nuclear attack submarine, in order to:

- Pay for expenses related to the commissioning of the USS Colorado;
- Promote awareness of the USS Colorado within the state; and
- Support the crew.

For the 2017-18 fiscal year, \$100,000 is appropriated to the department of military and veterans affairs to make these grants.

APPROVED by Governor June 5, 2017

EFFECTIVE July 1, 2017

S.B. 17-212 Board of veterans affairs - continuation under sunset law. The act implements the recommendations of the sunset review and report on the Colorado board of veterans affairs by eliminating the repeal date of the board and extending the board indefinitely.

APPROVED by Governor June 1, 2017

EFFECTIVE June 1, 2017

H.B. 17-1255 Statutory reporting requirements - continuation of reports to general assembly - reports from board of veterans affairs. **Statutory Revision Committee.** Currently, the board of veterans affairs is required to submit a report on an annual basis to a specified legislative committee. The act continues indefinitely the department's obligation to prepare the report. The continuation of the report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 17-27 Use of a wireless phone for text messaging - careless driving requirement - increased penalty. Currently, the penalty for text messaging while driving is a \$50 fine and one point assessed against the violator's driver's license for a first offense and a \$100 fine and one point assessed against the violator's driver's license for a second or subsequent offense. The act increases the penalty to a \$300 fine and 4 points for each offense. A driver may not be cited for text messaging while driving unless the driver was also operating the motor vehicle in a careless and imprudent manner.

APPROVED by Governor June 1, 2017

EFFECTIVE June 1, 2017

S.B. 17-176 Registration - license plates - appropriations. The act authorizes the use of money in the Colorado state titling and registration account to be appropriated to purchase and issue license plates, decals, and validating tabs.

\$2,435,572 is appropriated to the department of revenue for use by the division of motor vehicles. \$202,327 is from the general fund, \$2,043,976 is from the Colorado state titling and registration account in the highway users tax fund, and \$189,269 is from the license plate cash fund. This money is further reappropriated for use by the Colorado correctional industries.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

S.B. 17-213 Automated driving equipment - local governments - authorizing and testing - requirement for approval by Colorado state patrol and Colorado department of transportation. The act declares that the regulation of automated driving systems is a matter of statewide concern, and, therefore, local authorities are prohibited from setting different standards for these systems than for human drivers. The use of automated driving systems is authorized if the system is capable of conforming to every state and federal law applying to driving. If not, a person testing a system is required to obtain approval from the Colorado state patrol and the Colorado department of transportation.

APPROVED by Governor June 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-224 Title 12 recodification study - relocation - commercial driving schools. **Committee on Legal Services.** State law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, Section 1 of the act relocates the statutes governing commercial driving schools to part 6 of article 2 of title 42. Sections 2 and 3 update the citations of other statutes to

harmonize with the new locations. Section 4 repeals the moved statutes.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-229 Due care when passing vehicles flashing lights - public utility service vehicles - increased penalty if injury or death. Under current law, a driver who fails to exhibit due care and caution when approaching or passing a stationary emergency vehicle or towing carrier vehicle commits careless driving, which is a class A traffic offense. The act adds stationary public utility service vehicles to the statute.

The act increases the penalty to a class 1 misdemeanor if the driver's actions are the proximate cause of bodily injury to another person and to a class 6 felony if the actions are the proximate cause of the death of another person. The short title of the act is the "Move Over for Cody Act".

APPROVED by Governor June 1, 2017

EFFECTIVE September 1, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-251 Department of revenue records - electronic access - insurers - motor vehicle salvage pools. The act allows motor vehicle insurers and salvage pools to use an electronic system to access the department of revenue's records to determine a motor vehicle's owner and lienholder. The department may charge a fee of up to \$5 for access to the system.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-286 Driver's licenses - people with disabilities - driving permits - confidentiality of information. The act clarifies that a person with a disability obtains a temporary instruction permit for driving using the normal procedures and requirements, but modified as necessary because of the disability. This includes a clarification that the instruction permit expires after 3 years.

The act also requires the department of revenue to make a reasonable effort to ensure that confidential driver's records are not visible or accessible to the public and to protect the contents against inadvertent disclosure.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1012 Registration - special license plates - Pueblo chile. The act creates the Pueblo chile special license plate. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

APPROVED by Governor April 18, 2017

EFFECTIVE April 18, 2017

H.B. 17-1027 Emily Keyes organ donation fund - name change - continuation of fund - membership of advisory board - reporting requirements - appropriation. The Emily Maureen Ellen Keyes organ and tissue donation awareness fund is renamed the Emily Keyes - John W. Buckner organ and tissue donation awareness fund (fund). The act adds a representative to the fund's advisory board from a living donation transplant organization and clarifies that an organ donation designation is effective until revoked. The program and fund repeal dates are extended until September 1, 2027.

The department of revenue may reprogram computer systems to facilitate modifications in the organ donation registry. The recipient of funds, Donor Alliance, Inc., must file an annual report to the department of revenue detailing the amount and uses of funds.

\$33,750 is appropriated to the department of revenue for computer reprogramming and CITA annual maintenance and support.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1044 Autocycles - defined as motorcycles - safety equipment required - exemption from motorcycle endorsement requirements. The act:

- Amends the definition of "autocycle" to:
 - Specify that an autocycle is a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in either a fully or a partly enclosed seating area that is equipped with a safety belt system; and
 - Eliminate the requirements that an autocycle be equipped with air bags and a hardtop enclosure that protects occupants from the elements and can support the weight of the vehicle without harming occupants when the vehicle is resting on the enclosure;
- Amends the definition of "motorcycle" to clarify that an autocycle is a motorcycle;
- Amends the definitions of "motor vehicle" and "safety belt system" used in the laws governing mandatory child restraint system and safety belt use, respectively, to clarify that those laws apply to autocycles and that, with respect to the mandatory safety belt use law, every driver and passenger in an autocycle, including a back seat passenger, must wear a fastened safety belt; and

- Exempts an autocycle driver from the requirement a motorcycle driver obtain motorcycle endorsements in order to legally drive a motorcycle.

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

H.B. 17-1061 Commercial vehicles - equipment standards - inspections. The act increases the minimum weight for classification as a commercial vehicle subject to the statutory and regulatory standards for commercial vehicles from 10,001 pounds to 16,001 pounds unless the vehicle is registered for use in interstate commerce. With respect to vehicles that would be classified as commercial vehicles but for the fact that they weigh between 10,001 and 16,000 pounds, the chief of the Colorado state patrol is authorized to adopt rules that authorize the Colorado state patrol to:

- Annually inspect these vehicles;
- Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and
- Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

APPROVED by Governor March 20, 2017

EFFECTIVE March 20, 2017

H.B. 17-1105 Certificates of title - registration - verification of information - vehicle identification numbers. The act specifies that the department of revenue may not require physical inspection of a vehicle, including a vehicle identification number inspection, to verify information about the vehicle before registering or titling the vehicle if:

- The applicant for a new registration for the vehicle presents either a copy of a manufacturer's certificate of origin or a purchase receipt from the dealer or the out-of-state seller, and either document indicates that the applicant purchased the vehicle as new; or
- At the time of application, the vehicle is currently registered or titled in another Colorado county.

The act also creates a pilot program under which the chief of the Colorado state patrol (chief) issues a permit to a transportation association to verify information for the purposes of titling and registration of commercial vehicles. To qualify, the association must:

- Employ verifiers who demonstrate knowledge of the process and standards and who have not been convicted of violating property crimes within the last 10 years; and
- Provide a \$10,000 bond to hold harmless any person who suffers loss or damage arising from the issuance of a certificate of title that included a verification done by the permit holder.

A permit holder may charge only \$25 for a verification, and a permit may be revoked for failing to meet the standards of the act or any rules promulgated under the act. The chief may promulgate rules to implement the program.

The act applies to applications for registration or titling of a vehicle that are filed on or after July 1, 2017.

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1107 Registration - certificates of title - administration - county clerks and recorders - computer system. In 2018, the division of motor vehicles (division) will be replacing its current computer system, known as the Colorado state titling and registration system (CSTARS), with a new computer system, known as Colorado driver's license, record, identification, and vehicle enterprise solution (Colorado DRIVES). Several sections of the act amend the statutes to replace CSTARS with Colorado DRIVES, including renaming the account associated with these programs. Some of these changes are delayed until September 1, 2018.

The act replaces the current advisory committee with a Colorado DRIVES county governance committee, which consists of the following 9 members:

- Two authorized agents (county clerks) from a category I or category II county;
- Two authorized agents from a category III or category IV county;
- Two authorized agents from a category V or category VI county;
- Two employees of the department of revenue; and
- One employee of the governor's office of information technology.

The committee's duties are to:

- Approve the annual operation budget proposal;
- Fix the time when and place where meetings are held; and
- Establish subcommittees and working groups to report to the committee.

Several sections of the act define the term "authorized agent" and replace the occurrences of "county clerk and recorder" with "authorized agent" to make the usage consistent. Several sections of the act also repeal obsolete provisions.

The act authorizes the division to share driver's license and identification card images with the driver licensing agency of any other state. The act clarifies that the authorized agent is responsible for title and registration documents until verified by the division, and the division is responsible for the documents digitally stored by the division.

County clerks are authorized to transfer money collected from motor vehicle transactions to the division via electronic funds transfer.

APPROVED by Governor April 4, 2017

PORTIONS EFFECTIVE August 9, 2017
PORTIONS EFFECTIVE July 30, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1149 Registration - special license plates - United States Army special forces. Currently, the department of revenue issues special license plates to members and veterans

of the United States Army special forces. The plates are restricted to people whose orders or DD214 form show an awarded prefix "3" or suffix "S" or a designation of "5G", 18/180 series MOS, special forces tab, OSS, or UNPIK-8240. The bill removes the ability to get the special license plate based on an awarded "S" suffix.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1151 Bicycles - electrical assisted bicycles - classifications - labeling - local regulation - use of helmets. The act defines 3 classes of electrical assisted bicycles, depending on their top speed and whether the electric motor assists in propulsion only while the rider is pedaling or propels the bicycle independently. Manufacturers must label electrical assisted bicycles as class 1, class 2, or class 3, as appropriate, and a person who modifies an electrical assisted bicycle must relabel it to accurately reflect its classification.

All electrical assisted bicycles must comply with federal consumer product safety commission (CPSC) requirements and specified classes of electrical assisted bicycles must be equipped with appropriate braking systems and speedometers.

A person may ride a class 1 or 2 electrical assisted bicycle on a pedestrian or bike path where bicycles are permitted, but a local government may prohibit the use of those classes of electrical assisted bicycles on pedestrian and bike paths within the local government's jurisdiction.

With regard to class 3 electrical assisted bicycles:

- Riding on a bike or pedestrian path is prohibited unless the path is within a street or highway or the local authority permits their operation on a path within its jurisdiction;
- A person under the age of 16 may ride a class 3 electrical assisted bicycle only as a passenger;
- All riders under 18 must wear a helmet certified by the CPSC or the American Society for Testing Materials; however, noncompliance with the helmet law does not constitute negligence or negligence per se in a lawsuit seeking damages.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1162 Driving under restraint based on outstanding judgment - penalty - appropriation. Under current law, driving under restraint is a misdemeanor punishable by up to 6 months in jail and up to a \$500 fine. The act decreases the penalty to a class A traffic infraction if the basis of the restraint is an outstanding judgment.

\$108,000 is appropriated from the licensing services cash fund to the department of

revenue to implement the act.

APPROVED by Governor May 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1205 Certificates of title - salvage vehicles - insurers - theft damage. The act changes the definition of "salvage vehicle" to allow use of that designation when an insurer determines the vehicle to be a total loss. The act also excludes theft damage from the types of damage that can cause a vehicle to be a salvage vehicle.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1212 Taxation - special license plates - aviation. The act creates the aviation special license plate. In addition to the standard motor vehicle fees, the plate requires 2 one-time fees of \$25. One of the fees is credited to the highway users tax fund and the other to the licensing services cash fund.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1213 Certificates of title - arrangements for transfer of title upon death - beneficiary designation forms. Under current law, the department of revenue (department) makes available a beneficiary designation form that allows the owner or joint owners of a vehicle to arrange for the transfer of the vehicle's title to a named beneficiary upon the death of the owner, or of the last surviving joint owner, of the vehicle. The act adds language stating that:

- The division of motor vehicles within the department, rather than the department itself, shall administer the process;
- The personal representative of the estate of a deceased vehicle owner is not liable for obtaining a new certificate of title or for transferring title to the vehicle if the personal representative does not have actual knowledge of the existence of a valid, unrevoked beneficiary designation form; and
- A successor of a decedent or person acting on behalf of the successor is not liable for obtaining a new certificate of title or transferring title to the vehicle by an affidavit if the person does not have actual knowledge of the existence of a valid, unrevoked beneficiary designation form.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the

effective date, see page vi of this digest.

H.B. 17-1277 Leaving the scene of an accident - serious bodily injury or death - license suspension based on preponderance of the evidence. Currently, the department of revenue (department) is required to revoke the driver's license of a driver convicted of leaving the scene of an accident involving serious bodily injury or death. The act allows the department to also suspend the license when, based on a preponderance of the evidence, the department finds that the driver left the scene of an accident involving serious bodily injury or death. If both the suspension and revocation are imposed as a result of the same episode of driving, the act requires the department to run the suspension and the revocation concurrently.

The act establishes a procedure by which a driver may contest the suspension of his or her license and request the issuance of a probationary license for the purpose of driving for employment, education, health, or other necessities.

APPROVED by Governor June 5, 2017

EFFECTIVE January 1, 2018

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1288 Penalties for DUI offenders who commit their fourth and subsequent DUI offenses. A person who commits a fourth or subsequent DUI offense commits a class 4 felony. If a court sentences the person to probation, the act requires the court to order as a condition of probation one of the following:

- Require the defendant to serve at least 90 days but not more than 180 days imprisonment in the county jail. During the mandatory 90-day period of imprisonment, the defendant is not eligible for good-time deductions of his or her sentence or for trusty prisoner status; except that a defendant receives credit for any time that he or she served in custody for the violation prior to his or her conviction.
- Require the defendant to serve at least 120 days but not more than 2 years of imprisonment in the county jail through participation in an alternative sentencing program if such programs are available through the county in which the defendant is imprisoned and only for certain purposes. During the mandatory 120-day period of imprisonment, the defendant is not eligible for good-time deductions of his or her sentence or for trusty prisoner status; except that a defendant receives credit for any time that he or she served in custody for the violation prior to his or her conviction.

Additionally, the act states that if the court sentences such an offender to a term of probation, the court, as a condition of probation, shall:

- Require the defendant to complete at least 48 hours but not more than 120 hours of useful public service, which may not be suspended;
- Include, as a condition of the defendant's probation, a requirement that the defendant complete a level II alcohol and drug driving safety education or

- treatment program at the defendant's own expense; and
- Consider imposing certain other conditions of probation.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1315 Data concerning substance-affected driving violations - report. The act requires the division of criminal justice (division) within the department of public safety (department) to report annually to the general assembly certain data relating to substance-affected driving citations that occurred in the previous year.

For the purpose of producing the report, the division shall collect certain data from:

- The state judicial branch and the Denver county court;
- Forensic toxicology laboratories;
- The department of public health and environment; and
- The division of probation services.

The act creates a \$2 surcharge for persons convicted of substance-affected driving. Money collected as such surcharges must be deposited in the substance-affected driving data-analysis cash fund, which is created in the act.

APPROVED by Governor June 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 17-50 Forests - wildfire risk reduction - forest health - grant programs - consolidation. Current law authorizes 2 grant programs relating to forest management: One relating to wildfire risk reduction that is administered by the department of natural resources and is financed by a one-time transfer of \$1 million from the general fund, and one relating to landscape-scale forest health that is administered by the state forest service located within Colorado State University and is financed by annual transfers of \$1 million from the severance tax operational fund that ended on July 1, 2016.

Section 1 of the act repeals the grant program administered by the department of natural resources, and section 4 transfers it to the state forest service, renamed as the "forest restoration and wildfire risk mitigation grant program". Section 4 also adjusts the composition of the technical advisory panel and specifies that the panel is no longer subject to sunset review. Sections 2 and 3 realign the funding for the new grant program and the healthy forests and vibrant communities fund by:

- Redirecting the annual transfer of \$50,000 that had been allocated to the department of public health and environment relating to the air quality impacts of prescribed fire to the forest restoration and wildfire risk mitigation grant program;
- Allowing the unencumbered balance of the healthy forest and vibrant communities fund to be used for any authorized purpose of that fund;
- Extending funding for the consolidated grant program for 7 years;
- Allowing the forest service to use the existing unencumbered balance of the forest restoration and wildfire risk mitigation grant program cash fund for community watershed restoration purposes; and
- Extending the funding for 2 related forest programs for 7 years.

APPROVED by Governor March 16, 2017

EFFECTIVE July 1, 2017

S.B. 17-73 Runyon-Fountain lakes state wildlife area - stakeholder process - multi-party master plan - report. The act directs stakeholders interested in the Runyon-Fountain lakes state wildlife area (including the Colorado division of parks and wildlife, the city of Pueblo, and the Pueblo conservancy district) to cooperatively engage in a long-term process to promote the maximum beneficial development and maintenance of the area through the development of a multi-party master plan. The stakeholders are to report to the general assembly's committees of reference with jurisdiction over natural resources by March 1, 2018, regarding the progress of the cooperative effort.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-100 Recreational trails - construction and maintenance - use of volunteer services under grant program - limited immunity for volunteers and nonprofit entities. The act strengthens existing legal protections under the federal "Volunteer Protection Act of 1997" and Colorado's "Volunteer Service Act" for individual volunteers and nonprofit entities who

build or maintain recreational trails and related facilities pursuant to grants received under Colorado's "Recreational Trails System Act of 1971". Specifically, the act:

- Establishes either gross negligence or willful and wanton conduct as the minimum basis for liability, depending on whether the subject is an individual volunteer, a nonprofit entity, or a director, officer, or trustee of a nonprofit entity;
- Prohibits a grant agreement or procurement contract from requiring a nonprofit entity or volunteer to obtain insurance coverage for liability arising from completed operations; and
- Extends qualified immunity to a volunteer who operates a motor vehicle, including an off-highway vehicle or snowmobile, as part of a land stewardship activity.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-202 Wildlife - threatened and endangered species - conservation programs - funding - annual allocation from species conservation trust fund - appropriation. The act appropriates \$3.85 million from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that state or federal law list as threatened or endangered or that are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service, as follows:

- Native terrestrial wildlife conservation, \$732,850;
- Native aquatic wildlife conservation, \$1,192,150;
- Platte river recovery implementation program, \$875,000;
- Upper Colorado river recovery program, \$950,000; and
- Gunnison river basin selenium management plan, \$100,000.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1257 Statutory reporting requirements - continuation of reports to general assembly - reports from department of natural resources. **Statutory Revision Committee.** Currently, the department of natural resources is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act continues indefinitely the department's obligation to prepare these reports. The continuation of each report is now consistent with the statutory requirement that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 17-124 Colorado uniform trust decanting act - technical correction. **Statutory Revision Committee.** The act resolves a conflict with the uniform law commission's corrected version of the "Colorado Uniform Trust Decanting Act" by changing a reference to the second trust to the first trust.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-223 Title 12 recodification study - relocation - anatomical gift and unclaimed human bodies. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12 of the Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study:

- Section 1 of the act relocates parts 1 and 2 of article 34 of title 12 of the Colorado Revised Statutes related to anatomical gift and unclaimed human bodies to new parts 2 and 3 of article 19 of title 15, Colorado Revised Statutes;
- Sections 2 through 20 of the act make conforming amendments; and
- Section 21 repeals article 34 of title 12, Colorado Revised Statutes.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1280 Disability trusts. The act conforms Colorado statutory language relating to the creation of a disability trust to conform to the language established in the federal "21st Century Cures Act". Specifically, it clarifies that the individual who is the beneficiary of a disability trust can also be the person who establishes such trust.

APPROVED by Governor May 23, 2017

EFFECTIVE May 23, 2017

PROFESSIONS AND OCCUPATIONS

S.B. 17-33 Nurse practice act - dispensing over-the-counter medication to minors. The act allows a person, after appropriate training, to dispense an over-the-counter medication to a minor as long as the person has written instructions from the minor's parent or guardian and there is a physician's standing medical order.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-58 Alcohol beverages - purchase by employees and agents. The act allows an employee or agent to purchase alcohol beverages on behalf of a:

- Hotel and restaurant licensee;
- Tavern licensee; or
- Lodging and entertainment facility licensee.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-77 Alcohol beverages - special event permits - eligibility for certain entities. The act authorizes a state agency, the Colorado wine industry development board, or an instrumentality of a municipality or county that has a statutory mandate to promote either alcohol beverages manufactured within the state or tourism to an area of the state where alcohol beverages are manufactured to obtain a special event permit to sell alcohol beverages for a limited period.

APPROVED by Governor March 20, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-106 Naturopathic doctors - regulation by director of division of professions and occupations - continuation under sunset law - authorized titles - mandatory reporting of abuse, neglect, or mistreatment. The act continues the regulation of naturopathic doctors by the director of the division of professions and occupations for 3 years, until September 1, 2020, with the following modifications to the "Naturopathic Doctor Act":

- Clarifies that the naturopathic formulary that lists the medicines naturopathic doctors may use in the practice of naturopathic medicine includes prescription substances and devices authorized under the "Naturopathic Doctor Act";
- Corrects the name of the homeopathic pharmacopoeia as it appears in the act;
- Specifies that a naturopathic doctor registered under the "Naturopathic Doctor Act" may use the titles "registered naturopathic doctor" or "registered doctor"

- of naturopathy" or the abbreviation "R.N.D.";
- Requires insurance carriers to report to the director any malpractice judgments against, or settlements entered into by, a naturopathic doctor; and
- Adds naturopathic doctors to the list of persons required to report child abuse or neglect and mistreatment of at-risk elders and at-risk adults with intellectual and developmental disabilities.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-108 Speech language pathologists - certification - examinations - continuation under sunset law. The act allows a person with a special services license, issued by the department of education, to practice speech-language pathology in Colorado.

Current law requires an applicant for certification or provisional certification as a speech-language pathologist to pass a national exam adopted by the American Speech-Language-Hearing Association or its successor association. The act removes that requirement and requires the director of the division of professions and occupations to adopt appropriate examinations and clinical fellowships instead. The act also removes references to the American Speech-Language-Hearing Association.

The automatic termination date of the regulation of speech-language pathologists by the division of professions and occupations is extended until September 1, 2022.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-111 Medical marijuana - vertical integration - state licensing set percentage - appropriation. The medical marijuana system is a vertically integrated regulatory scheme, meaning a medical marijuana center must grow the marijuana that it sells. There is one exception to the vertically integrated market: A medical marijuana center can sell to or buy from other medical marijuana licensees up to 30% of its inventory. The act eliminates the statutory limit and requires the limit to be set in rule by the state licensing authority as long as it is not set below 30%. The act states that a medical marijuana center may transfer medical marijuana to another medical marijuana licensee if the licensees have a common owner without the medical marijuana counting towards the limit set in rule.

The act appropriates \$128,427 and 0.9 FTE to the department of revenue from the marijuana cash fund to implement the act.

VETOED by Governor June 8, 2017

S.B. 17-127 Mortgage loan originators - licensing exemption - loans to family members. Current law defines a mortgage loan originator as an individual who offers or negotiates

terms of a residential mortgage loan, including to any family member, but there is an exemption for a parent who acts as a loan originator in providing loan financing to his or her child. The act expands the exemption to include up to 3 loans per year without compensation, other than interest, between family members, and directs the board of mortgage loan originators to define "family member" by rule.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-134 Alcohol beverages - penalties for selling to a visibly intoxicated or underage person - limitation of penalties for violations in sales rooms or retail establishments. The act limits penalties for violations relating to the sale of alcohol beverages to a visibly intoxicated or underage person that occur in a sales room for licensees operating a beer wholesaler, winery, limited winery, or distillery, or in a retail establishment, for licensees operating a brew pub, vintner's restaurant, or distillery pub, by prohibiting the licensing authority from:

- Basing any fine on the estimated gross revenues of any manufacturing or wholesale activities of the licensee; and
- Extending any suspension to the manufacturing or wholesale activities of the licensee.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-142 Health care - mammography report required - dense breast tissue. The act requires that each mammography report provided to a patient include information that identifies the patient's breast tissue classification based on the breast imaging reporting and data system established by the American college of radiology. If the health care facility that performed the mammography determines that a patient has dense breast tissue, the facility is required to notify the patient of the determination using specific language.

APPROVED by Governor April 6, 2017

EFFECTIVE October 1, 2017

S.B. 17-146 Pharmacists - electronic prescription drug monitoring program - authority of health care providers, pharmacists, and veterinarians to query the system. A health care provider who has authority to prescribe controlled substances, or the provider's designee, may query the electronic prescription drug monitoring program regarding a current patient, regardless of whether the provider is prescribing or considering prescribing a controlled substance to that patient. A veterinarian who is authorized to prescribe controlled substances may access the program to inquire about a current patient or client if the veterinarian suspects that the client has committed drug abuse or mistreated an animal. A pharmacist or pharmacist's designee may also access the program regarding a current patient to whom the

pharmacist is dispensing or considering dispensing a prescription drug.

The act applies to queries made to the program on or after April 6, 2017.

APPROVED by Governor April 6, 2017

EFFECTIVE April 6, 2017

S.B. 17-148 Combative sports - office of boxing - Colorado state boxing commission - continuation under sunset law - appropriation. The act implements the recommendations contained in the department of regulatory agencies' (department) sunset report concerning the office of boxing (office) within the division of professions and occupations in the department and the Colorado state boxing commission (commission) within the office, including continuation of the office and the commission until 2026.

The director of the division of professions and occupations (director) within the department is vested with all licensing and enforcement authority, including the authority to recognize boxing sanctioning authorities. The authority of the director of the office of boxing (office director) is limited to the day-to-day operations of the office.

The office is renamed the "office of combative sports" and the commission is renamed the "Colorado combative sports commission". The sport of martial arts is added to the combative sports regulated by the office and commission. Commission members' terms are increased from 3 years to 4 years. The director is vested with the authority to issue a nondisciplinary denial or suspension of a license for medical or administrative reasons and the authority to lift such denial or suspension if sufficient evidence has been provided that the denial or suspension is no longer needed. Grounds for discipline for licensees are updated to include disciplinary grounds for unsportsmanlike or dangerous conduct and for a licensee's failure to comply with a license restriction.

The act appropriates \$10,000 from the division of professions and occupations cash fund to the department for use by the division of professions and occupations for personal services.

APPROVED by Governor May 3, 2017

EFFECTIVE May 3, 2017

S.B. 17-154 Notaries - unsworn declarations - application of uniform act in the United States. Colorado has adopted the "Uniform Unsworn Foreign Declarations Act", which allows the use of foreign unsworn declarations. The act expands the uniform law to include domestic unsworn declarations as contemplated by the "Uniform Unsworn Declarations Act" and clarifies that the act applies only to the use of unsworn declarations in state courts.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-187 Marijuana - occupational license - residency requirement exemption - training program participant - appropriation. Under current law, when an employee or manager of a retail or medical marijuana business applies for an occupational license, the person must

be a Colorado resident on the date of his or her application. The act gives the state licensing authority the ability to create an exemption for up to 2 years to the residency requirement for a nonresident applying for an occupational license in order to participate in a marijuana-based workforce development or training program. The nonresident must file an affirmation that he or she is participating in a program that requires access to licensed premises.

The act appropriates \$1,159 to the department of revenue from the marijuana cash fund and reappropriates that money to the department of public safety for the purchase of criminal history record checks.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-192 Marijuana - medical marijuana remediation - average market rate calculation - affiliated and unaffiliated excise tax calculation - appropriation. Prior to the act, if medical marijuana tested positive for a substance injurious to health, the product could be remediated. The act allows for a second test before the marijuana goes to remediation, and, if two additional tests indicate there is no injurious substance, the marijuana can be used or sold. Prior to the act, the department of revenue determined the average market rate for purposes of excise tax collection on retail marijuana every 6 months. The act gives the department the authority to calculate the average market rate on a quarterly basis. The average market rate cannot include taxes paid on sales or transfers. A separate average market rate is required for unprocessed marijuana for extraction that is lower than the average market rate for unprocessed marijuana for direct sale. The act requires the average market rate to be used to calculate the state excise tax on affiliated transactions, and requires the contract price to be used to calculate the excise tax on unaffiliated transactions. The act clarifies that the average market rate will be used to calculate the excise tax on all county, municipal, or metropolitan district transactions.

The act appropriates \$9,600 to the department of revenue for tax administration IT work. The act appropriates \$59,458 and 0.3 FTE to the department of revenue from the marijuana cash fund to implement the act.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-215 Real estate brokers - qualifications of members of real estate commission - renewal cycle for licenses - consolidation of administrative cash funds - qualifications of employing brokers - referral fees - grounds for discipline of licensees - deferred judgments - continuation under sunset law. Section 6 of the act modifies the composition of the real estate commission (commission) to require that one of the 3 broker members be a broker with experience in property management.

Section 5 of the act directs the real estate commission to establish, by rule, the number

of transactions that a broker must have completed before becoming an employing broker.

Section 7 of the act makes broker licenses expire uniformly on December 31 rather than requiring licensees to apply for renewal at various times throughout the year on their individual anniversary dates. Sections 8 and 11 through 19 consolidate the various cash funds used for several licensing functions and programs administered by the division of real estate into a single cash fund.

Section 10 of the act requires referral fee agreements to conform to the requirements of both state and federal law.

Section 9 of the act defines "conviction" to include deferred judgments and deferred sentences, for purposes of provisions listing factors the commission may consider when determining whether to discipline a licensee.

Under sections 1 through 4, the automatic termination date of the division of real estate, the real estate commission, and the regulation of real estate brokers and subdivision developers by the real estate commission are extended until September 1, 2026.

APPROVED by Governor June 1, 2017

EFFECTIVE June 30, 2017

S.B. 17-216 Debt collection - continuation of regulation under sunset law - debt buyers - legal actions - collection agencies - statute of limitations - reporting requirements - appropriation. The act continues the "Colorado Fair Debt Collection Practices Act" until 2028. The act defines "debt buyer" and creates requirements for debt collectors and collection agencies that bring legal actions on debts owned. The act defines what is expected of a collection agency that purchases, sells, or attempts to collect on a purchased debt; clarifies that the statute of limitations for private actions is one year and actions by the administrator of the "Uniform Consumer Credit Code" (administrator) is 2 years; repeals the collection agency board; and requires the administrator to prepare periodic reports to the general assembly on the operation of the regulatory program.

The act appropriates \$6,640 from the collection agency cash fund to the department of law for the implementation of the act.

APPROVED by Governor June 1, 2017

PORTIONS EFFECTIVE June 1, 2017
PORTIONS EFFECTIVE January 1, 2018

S.B. 17-218 Landscape architects - continuation under sunset law. The automatic termination date of the regulation of landscape architects by the division of professions and occupations and the state board of landscape architects is extended until September 1, 2028.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

S.B. 17-227 Title 12 recodification study - relocation - attorneys-at-law. **Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and occupations. To implement the initial recommendations of the study, section

1 of the act relocates article 5 of title 12, attorneys-at-law, to a new article 93 in title 13, Colorado Revised Statutes. Sections 2 to 9 of the act make conforming amendments, and section 10 repeals the article where the law was previously codified.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-236 Cash-bail and cash-bonding agents - continuation under sunset law - procedure for release of lien on real estate. The act continues the regulation of professional cash-bail agents and cash-bonding agents until September 1, 2026. The act also authorizes the commissioner of insurance, upon request by a property owner, to petition a court to release a lien on real estate if an agent does not release the lien within 3 years. The commissioner must notify the agent, and if the agent objects, the property owner must petition the court. Procedures and procedural standards for the lien release are established.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-237 Alcohol beverage regulation - age of servers at taverns and lodging and entertainment facilities. The act permits a licensed tavern or lodging and entertainment facility that regularly serves meals to allow an employee who is at least 18 years of age but under 21 years of age to sell malt, vinous, or spirituous liquors if the employee is supervised on-site by a person who is at least 21 years of age.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

S.B. 17-240 Motor vehicle dealers - powersports vehicle dealers - continuation under sunset law - transfer of regulatory authority - grounds for discipline - appropriations. The act implements many of the recommendations of the department of regulatory agencies, as contained in the department's sunset review of motor vehicle and powersports vehicle sellers, as follows:

- Continues the regulation of motor vehicle and powersports vehicle sales until September 1, 2027;
- Codifies the auto industry division in statute under the department of revenue and changes the authority to enforce the regulation of the licensing of vehicle sellers from the executive director of the department of revenue to the director of the division;
- Requires a licensing application when a business acquires a new owner, except in the case of a publicly traded corporation;
- Subjects the license of a dealer to discipline when the owner is acting as a

- salesperson and violates the law governing salespersons;
- Requires a fingerprint-based criminal history record check for all licensees; and
- Requires people who have had licenses revoked to wait one year before applying for a new license.

The act amends the consumer protection act to require powersports vehicle sales to comply with the protections already afforded consumers with motor vehicle sales. These protections include prohibitions against making inappropriate guarantees of credit, accepting a trade-in before the consumer's credit is approved, failing to return collateral if credit is not approved, and failing to make required disclosures.

To implement the act, \$70,011 is appropriated from the auto dealers license fund to the department of revenue, and \$162,983 is appropriated from the Colorado bureau of investigation identification unit fund to the department of public safety.

Certain provisions of the act are contingent upon Senate Bill 17-298 not becoming law.

APPROVED by Governor June 6, 2017

EFFECTIVE July 1, 2017

NOTE: Senate Bill 17-298 was signed by the governor, June 5, 2017.

S.B. 17-245 Landlords and tenants - tenancies of one month or longer but less than six months - termination of tenancy - increased rent - twenty-one-day notice requirement. Currently, a tenancy of one month or more but less than 6 months may be terminated by either party with 7 days' notice. The act extends the notice to 21 days and also requires 21 days' notice for a landlord to increase rent in such tenancies.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-247 Electricians - continuing education requirements - waiver upon first renewal of license - qualifications of residential inspectors - phase-out of qualification based on experience only. Beginning January 1, 2019, the act waives the continuing education requirement, otherwise applicable upon every renewal or reinstatement of an electrician's license, for the first renewal or reinstatement of the license of an electrician who passed the appropriate written examination in connection with his or her initial license application.

The act also phases out an existing provision allowing the hiring of inspectors of 1-to 4-family dwellings who have specified certifications and experience but have not passed Colorado's written residential wireman's examination. Inspectors hired on or before January 1, 2019, by a city, town, county, or city and county who meet the existing requirements have until January 1, 2023, to meet the new requirements.

The act applies to license renewals and reinstatements occurring on or after January 1, 2019.

APPROVED by Governor May 3, 2017

EFFECTIVE January 1, 2019

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-268 Pharmacists - supervision of pharmacy technicians. Currently, a pharmacist may supervise no more than 3 pharmacy technicians. The act allows a pharmacist to supervise up to 6 pharmacy technicians.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-269 Alcohol beverage regulation - sale of nonalcohol products at retail liquor stores - products excluded from limit on nonalcohol products sales revenues. For purposes of calculating the 20% limit on a retail liquor store's annual gross sales revenue from the sale of nonalcohol products, the act excludes revenues from the sale of the following products from the calculation:

- Cigarettes, tobacco products, and nicotine products;
- Lottery products;
- Ice, soft drinks, and mixers; and
- Nonfood items related to the consumption of alcohol beverages.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-298 Motor vehicle manufacturers and dealers - powersports vehicle manufacturers and dealers - repeal. Before enactment, the law prohibited a motor vehicle or powersports manufacturer from requiring a motor vehicle or powersports dealer to substantially alter a facility or premises if the manufacturer required a substantial alteration within the last 7 years. The act extends this prohibition to 10 years. The act also prohibits a manufacturer from:

- Selling a similarly equipped vehicle to one dealer at a lower price than to another dealer;
- Requiring or enforcing a contract giving the manufacturer a right of first refusal or an option to purchase a dealership; and
- Using an unreasonable, arbitrary, unfair, or surprise performance standard in determining a dealer's compliance with a franchise agreement.

A provision that gives a dealer a right of first refusal for new franchises when the

dealer was terminated due to the insolvency of the manufacturer is repealed. The act authorizes a dealer to sue in court, as an alternative to filing an administrative complaint as allowed under current law, to contest a manufacturer's adding or moving a dealership to a market with a current dealer when this action would materially and adversely affect the dealer or the public. Procedures are set for the civil action and an administrative hearing. Standards are set for determining the outcome. A prevailing party may get attorney fees and costs.

A dealer is authorized to sue a manufacturer in court, as an alternative to filing an administrative complaint as allowed under current law, to contest whether a termination was for just cause or for failing to provide notice of a termination. The process for staying the termination is strengthened. A prevailing dealer may get attorney fees and costs.

When a manufacturer requires a dealer to stop selling a used motor vehicle due to a safety defect, the act requires the manufacturer to provide parts and a solution within 30 days or to provide compensation to the dealer. Standards are set for eligibility and payment.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1010 Dental hygienists - use of lasers - rules. The act clarifies that the Colorado dental board may promulgate rules for the use of lasers for dental and dental hygiene purposes within the defined scopes of practice and with appropriate supervision. The act clarifies the acts and practices that constitute the practice of unsupervised dental hygiene.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1011 Mental health professionals - statute of limitations on claims related to patient records - requirement to notify client - deadline for resolving complaints. Complaints against a mental health professional alleging a maintenance-of-records violation to be commenced within 7 years. Mental health professionals must give notice to clients that the client's records may not be retained after the 7-year period. Complaints against a mental health professional must be resolved by the appropriate regulatory board within 2 years.

APPROVED by Governor March 16, 2017

EFFECTIVE July 1, 2017

H.B. 17-1034 Medical marijuana - medical marijuana business operators - allow business to move within state - opportunity to remediate microbial product - medical marijuana infused product manufacturer sell marijuana. The retail marijuana code requires a license for retail marijuana business operators. The act creates a corresponding medical marijuana business operator license. Under current law, a medical marijuana licensee may move his or her location within the city or county where the business is licensed upon approval of the local and state licensing authority. Under the retail marijuana code, a licensee can move his

or her business anywhere in Colorado upon approval of the state and local jurisdiction. The act allows a medical marijuana licensee to move his or her business anywhere in Colorado upon approval of the state and local jurisdiction to conform with the retail marijuana code.

Under the retail marijuana code, if a test result indicated the presence of any substance determined to be injurious to health, the licensee has an opportunity to remediate the product if the test indicated the presence of a microbial. If the licensee is unable to remediate the product, then the licensee shall document and properly destroy the adulterated product. The act gives a medical marijuana licensee the same opportunity to remediate its product.

The act allows medical marijuana-infused product manufacturers to sell or buy medical marijuana from another medical marijuana-infused product manufacturer.

APPROVED by Governor March 16, 2017

EFFECTIVE March 16, 2017

H.B. 17-1057 Physical therapy licensure - interstate compact - fingerprint-based background checks - required participation in compact's data system - compliance with Michael Skolnik Medical Transparency Act of 2010 - appropriation. The act adopts the "Interstate Physical Therapy Licensure Compact Act" allowing physical therapists and physical therapist assistants licensed or certified in a compact member state to obtain a license or certificate to practice physical therapy in Colorado. The physical therapy board shall obtain fingerprints from applicants for a license or certification for the purpose of a fingerprint-based criminal history record check. The physical therapy board shall participate in the compact's data system and notify the compact commission of any adverse action taken by the board. Physical therapists and physical therapy assistants are subject to the requirements of the "Michael Skolnik Medical Transparency Act of 2010".

\$12,386 is appropriated to the department of regulatory agencies for use by the division of professions and occupations for implementation of the act.

APPROVED by Governor May 10, 2017

EFFECTIVE May 10, 2017

H.B. 17-1120 Alcohol beverages - licensing - restaurants and taverns - higher education institution - appropriation. The act allows a higher education institution that has a license to serve alcohol beverages for on-premises consumption to apply for designation as a campus liquor complex, thereby allowing the institution to designate multiple facilities on the campus as locations for serving alcohol beverages. An institution of higher education seeking to designate a campus liquor complex is subject to the following requirements:

- The institution must: Designate its principal licensed premises and additional separate, related facilities that are located within the campus liquor complex; clearly identify each related facility by its location within the campus; and clearly identify, by a description and map, each area where alcohol beverages will be consumed.
- The institution must obtain a permit for each related facility where alcohol beverages will be served.
- Each related facility must remain at all times under the ownership or control of the licensee.

- The institution must designate a manager for the campus liquor complex and for each related facility.
- For the purposes of license discipline, each related facility is deemed separately permitted.

A state permit fee of \$75 and a local permit fee of \$100 are imposed.

\$22,150 is appropriated from the liquor enforcement division and state licensing authority cash fund for use by the liquor and tobacco enforcement division.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1145 Alcohol beverages - regulation - amateur winemakers - tastings, contests, and judgments. The act authorizes amateur winemakers to enter their brews in organized events, such as contests, tastings, or judgments at licensed premises. The wine portions are limited to 6 ounces and cannot be sold to the general public.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1165 Health care prescriber boards - complaint procedures - health insurance provider directories - appropriation. Section 2 of the act defines "health care prescriber board" to mean the following boards in the department of regulatory agencies: The Colorado podiatry board; the Colorado dental board; the Colorado medical board; the state board of nursing; the state board of optometry; and the state board of veterinary medicine. Section 2 also:

- Requires each health care prescriber board to:
 - Within 15 days after receipt of a complaint, provide the complainant with a written notice providing contact information for the board and a summary of the regulatory and statutory procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of complaints, including, if the complainant is the patient of the licensee who is the subject of the complaint, a notice of the patient's right to receive from the licensee a copy of his or her patient records;
 - Provide the complainant, within 30 days after the action, with written notice of the action taken by the board if an investigation was initiated by a complaint and the board took public formal action regarding the alleged misconduct;
 - Notify the complainant that the complaint remains pending, subject to applicable restrictions in the board's governing law, if a complaint is still pending after 6 months; and
 - Update its website within 30 days after suspending or revoking a

license to separately list each licensee subject to the suspension or revocation;

- Requires the licensee to provide the board with a patient's records within 30 days after the board requests the records; and
- Requires the department to include in its annual SMART act presentation a performance report prepared by the division of professions and occupations regarding changes to the boards' processes and procedures.

Section 1 requires health insurance companies to update their provider directories at least monthly, based on information on the department's health care prescriber boards' websites, to remove a provider whose license has been suspended or revoked.

Section 3 appropriates \$20,000 to the department from the division of professions and occupations cash fund for implementation of the act.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1183 Mental health professionals - disclosure of client communication to protect school occupants - repeal contingency provision. In 2016, the general assembly enacted House Bill 16-1063, which allows mental health professionals to disclose to school and school district personnel and law enforcement agencies communications with a client if the client makes statements or exhibits behaviors that create an articulable and significant threat against a school or its occupants. The effect of the legislation was contingent on receipt from the secretary of the federal department of health and human services (HHS) of an exception to the privacy rule under the federal "Health Insurance Portability and Accountability Act of 1996" (HIPAA).

The state received notice from HHS that the legislation is not contrary to the HIPAA privacy rule and therefore does not qualify for an exception. Accordingly, the act repeals the contingency provision.

APPROVED by Governor April 6, 2017

EFFECTIVE April 6, 2017

H.B. 17-1196 Barbers and cosmetologists - accreditation requirements - rules. The act requires the director of the division of professions and occupations in the department of regulatory agencies to promulgate rules for applicants for examination for cosmetologist or barber licensure to furnish proof of training of not more than 1,500 contact hours or 50 credits as defined by institutional accreditation requirements, the Colorado commission on higher education, or the department of education.

APPROVED by Governor April 13, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1224 Pharmacists and pharmaceuticals - adulterated, misbranded, or counterfeit drugs - unlawful to possess, sell, dispense, administer - civil penalties. The act amends the pharmacy practice law to specify that it is unlawful to possess, sell, dispense, give, receive,

or administer an adulterated or misbranded drug or device, within the meaning of the "Colorado Food and Drug Act", or a counterfeit drug. A person who engages in an unlawful act is subject to a civil fine of between \$1,000 and \$10,000.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1249 Powersports and motor vehicle sales - acting without proper authorization - increased penalties - appropriation. The act increases the penalties for individuals and corporations who act as a wholesaler, powersports vehicle dealer, motor vehicle dealer, used powersports vehicle dealer, used motor vehicle dealer, buyer agent, wholesale motor vehicle auction dealer, powersports vehicle salesperson, or motor vehicle salesperson without proper authorization.

\$8,000 is appropriated to the department of revenue from the auto dealers license fund to implement the act.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1274 Pharmacies - compounded drugs - veterinary pharmaceuticals - definition of "patient" removed. A veterinarian may maintain an office stock of compounded drugs, which are drugs that are combined, mixed, or otherwise altered to create a specific drug or formulation, for later distribution or administration to animal patients. The act removes a statutory definition of "patient" that limited a veterinarian's use of compounded drugs to a companion animal. The act further clarifies that references to "patient" set forth in the veterinary compounded drug statute refer to an "animal patient".

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

PROPERTY

S.B. 17-97 Conveyances - deeds - property description - presumption of conveyance of grantor's interest in adjoining vacated property - application of presumption to all deeds, leases, and mortgages. Under current law, a conveyance by warranty deed carries the presumption that the grantor's interest in an adjoining vacated street, alley, or other right-of-way is included with the property whose legal description is contained in the deed. However, this presumption does not apply to other types of deeds or to a lease, mortgage, or other conveyance or encumbrance.

The act repeals the language containing the presumption from the warranty deed statute and relocates it, with amendments, so as to broaden the application of the presumption of conveyance of an adjoining vacated right-of-way to include not only warranty deeds but also all forms of deeds, leases, and mortgages and other liens.

APPROVED by Governor April 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-140 Torrens title registration - migration to recording system. Beginning January 1, 2018, the act closes the Torrens title registration system to new applications to register land title in this state.

For property that is currently registered in the system, a registrar may only accept an adverse instrument for registration. The registrar is required to refuse to accept all other instruments for registration and to instead record the related certificate of title and the instrument in the land recording system. For all other registered land, the registrar is required to record the certificate of title in the land recording system on or before January 1, 2020, but at least 90 days after the registrar mailed a notice to the owner, or in some circumstances, placed a notice in a newspaper. Any time prior to the involuntary recording of a certificate of title under either of these methods, an owner may withdraw registered land from registration under existing procedures established in law.

There are no recording fees for a registrar recording a certificate of title, and the recorded certificate of title constitutes a new chain of record in the registered owner of any estate or interest, as shown on the certificate, subject to specified exceptions. All instruments shown as memorials on the certificates of title so recorded have the same force and effect as if they were filed with the clerk and recorder at the time they were filed or were otherwise memorialized on the certificates. After recording a certificate of title, a registrar is required to preserve and maintain all records that have been received for the registered land.

APPROVED by Governor May 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1035 Tenants and landlords - protection for victims of unlawful sexual behavior, stalking, or domestic violence. Under previous law, if a tenant notified his or her landlord

in writing that the tenant is a victim of domestic violence or domestic abuse and provided to the landlord evidence in the form of a police report written within the prior 60 days or a valid protection order, and the tenant sought to vacate the premises due to fear of imminent danger for self or children, then the tenant could terminate the rental agreement or lease and vacate the premises with minimal remaining obligations. The act extends this privilege to victims of unlawful sexual behavior and stalking. The act also provides that a statement from an application assistant designated by the address confidentiality program or, in the case of a victim of unlawful sexual behavior, from a medical professional, confirming the tenant's victim status is a third means of presenting evidence to a landlord.

If a tenant to a residential rental agreement or lease agreement notifies the landlord that the tenant is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, the landlord shall not disclose such fact to any person except with the consent of the victim or as the landlord may be required to do so by law.

If a tenant to a residential rental agreement or lease agreement terminates his or her lease pursuant to this section because he or she is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, and the tenant provides the landlord with a new address, the landlord shall not disclose such address to any person except with the consent of the victim or as the landlord may be required to do so by law.

Under previous law, a dangerous or uninhabitable condition in a rented property did not constitute a breach of the warranty of habitability if the condition was caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control. However, such a condition was not considered misconduct by a victim of domestic violence or domestic abuse if the condition is the result of domestic violence or domestic abuse and the landlord has been given written notice and evidence of domestic violence or domestic abuse. The act adds language to provide the same protection for tenants who are victims of unlawful sexual behavior or stalking.

APPROVED by Governor June 1, 2017

EFFECTIVE June 1, 2017

H.B. 17-1067 Accessible housing - update construction standard. The act amends references to the standard governing construction of accessible housing so the statutes now refer to the most recent version of that standard and reflects that the standard, formerly promulgated by the American national standards institute, is now promulgated by the international code council.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1279 Construction defect actions - lawsuits commenced by HOA executive board on behalf of unit owners - prerequisites - notice to unit owners - meeting of unit owners - disclosure of risks and benefits - voting period - record of communications and votes. The act requires that, before the executive board of a unit owners' association (HOA) in a common interest community brings suit against a developer or builder on behalf of unit

owners, the board must:

- Notify all unit owners and the developer or builder against whom the lawsuit is being considered;
- Call a meeting at which the executive board and the developer or builder will have an opportunity to present relevant facts and arguments and the developer or builder may, but is not required to, make an offer to remedy the defect; and
- Obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits.

The meeting of unit owners commences a 90-day voting period during which the HOA will accept votes for or against proceeding with the lawsuit. Statutes of limitation are tolled during this period. The HOA is required to keep copies of its mailing list and maintain records of the votes received. The voting period may end in less than 90 days if sufficient votes are received to approve or disapprove the lawsuit before 90 days have elapsed.

The HOA board may commence a construction defect action without prior approval by unit owners only if the construction defect action pertains to:

- A nonresidential facility for which the cost of repair is \$50,000 or less; or
- Any situation in which the HOA itself is the contracting party for labor or materials.

The act applies to construction defect actions filed on or after May 23, 2017.

APPROVED by Governor May 23, 2017

EFFECTIVE May 23, 2017

PUBLIC UTILITIES

S.B. 17-105 Investor-owned electric utilities - monthly billing - billing format requirements - public utilities commission review. The act requires an investor-owned electric utility (utility) to file with the public utilities commission (commission) for the commission's review a comprehensive billing format that the utility has developed for its monthly billing of customers. A utility shall file the comprehensive billing format pursuant to a schedule determined by the commission. The comprehensive billing format must include the following:

- A line-item representation of all monthly charges and credits applied to the customer and an indication whether the charges have changed from the prior month as a result of changes in fuel costs;
- For months in which tiered rates are applied, a breakdown of the tiered rates and the amount of usage to which each rate was applied for the month;
- The daily average cost for the current month compared to the same month in the previous calendar year;
- A glossary of terms used in the monthly bill;
- A description of each of the monthly fees that the utility may charge to the customer;
- The usage for the current month and each of the previous 12 months, as shown in a bar graph or other visual format; and
- For customers to which demand rates apply, a listing of the applicable demand charge, the peak demand during the billing period, and, if the utility can reasonably ascertain such data, the date and time at which peak demand occurred.

The act also requires each utility to provide its customers, on a biannual basis, with documentation indicating, as a percentage, each fuel source used in power generation and purchased for the utility.

The act sets forth procedures for the commission's review of a filed comprehensive billing format and provides that once a comprehensive billing format has been approved by the commission, the utility need not refile it unless changes have been made to it.

APPROVED by Governor May 22, 2017

EFFECTIVE May 22, 2017

S.B. 17-180 Public utilities commission - regulation of motor carriers - permitting - streamlining enforcement of permits. The act streamlines the public utilities commission's enforcement of motor carrier permits by doing the following:

- Clarifying language concerning the imposition of civil penalties for violations of motor carrier regulations, including the civil penalties applicable for subsequent violations;
- Relieving the commission of the obligation to prove that a violation was intentional;
- Creating a legal services offset fund (fund) to supplement the money appropriated to the department of regulatory agencies for legal representation of commission staff by the department of law in commission matters concerning the enforcement of motor carrier regulations;

- Requiring the state treasurer to transfer any money in excess of \$250,000 in the fund to the general fund and setting an alternative maximum reserve for the fund, distinct from the maximum reserve generally applicable to cash funds, of \$250,000;
- Requiring the commission to transfer all penalties collected for violations of motor carrier regulations to the fund; and
- Clarifying that certain motor carrier permittees' permits are immediately revoked for failure to pay a civil penalty.

APPROVED by Governor June 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-271 Public utilities commission - nonadjudicatory proceeding - evaluation of investor-owned utilities' service extension procedures - recommendations - rules. The act requires the public utilities commission (commission) to open a nonadjudicatory proceeding to evaluate investor-owned gas or electric utilities' policies and procedures for extension of service to accommodate new customer demand, including allocation of costs and identification of variables that affect construction and implementation time lines for extension of service. Gas-only investor-owned utilities are not subject to the commission's nonadjudicatory proceeding.

Upon completion of its evaluation, the commission shall issue a decision containing recommendations for investor-owned utilities' implementation of service extension. Within 90 days after the conclusion of the commission's nonadjudicatory proceeding, the commission may promulgate rules consistent with its findings.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-306 Telecommunications - broadband deployment grants - use of high cost support mechanism money for project grants. The act updates language regarding the use of money from the high cost support mechanism (HCSM) for broadband deployment grant applications approved by the broadband deployment board to have money transferred directly from the HCSM to approved broadband deployment grant applicants. The public utilities commission is directed to determine the amount of HCSM money available for broadband deployment and related administrative costs, and the act requires that amount to be held in a separate account.

APPROVED by Governor June 6, 2017

EFFECTIVE June 6, 2017

H.B. 17-1116 Energy outreach Colorado - department of human services - Colorado energy office - low-income energy assistance funding - continuation of conditional funding. The department of human services low-income energy assistance fund, the energy outreach Colorado low-income energy assistance fund, and the Colorado energy office low-income

energy assistance fund receive conditional funding from the severance tax operational fund through the state fiscal year commencing July 1, 2018. The act extends the conditional funding through the state fiscal year commencing July 1, 2023.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1227 Public utilities commission - demand-side management programs for investor-owned electric utilities - extension. To promote demand-side management programs for electricity, the public utilities commission (commission) was authorized in 2007 to establish the following electricity goals for investor-owned electric utilities to achieve by 2018:

- A demonstrated reduction of peak demand by at least 5% of the retail peak demand level in 2006; and
- Demonstrated energy savings of at least 5% compared to the energy sales in 2006.

The act extends the programs to 2028 and requires the commission to set goals of at least 5% peak demand reduction and 5% energy savings by 2028 for demand-side management programs implemented during 2019 through 2028 when compared to 2018 numbers.

APPROVED by Governor May 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

STATUTES

S.B. 17-294 Revisor's Bill. The act improves the clarity and certainty of the statutes by amending, repealing, and reconstructing various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the act. Amendments made by the act are not intended to change the meaning or intent of the statutes.

APPROVED by Governor May 25, 2017

EFFECTIVE May 25, 2017

H.B. 17-1073. Enactment of 2016 Statutes. This act enacts the softbound volumes of Colorado Revised Statutes 2016 and the 2016 Special Supplement as the positive and statutory law of the state of Colorado and establishes the effective date of said publications as March 1, 2017.

APPROVED by Governor March 1, 2017

EFFECTIVE March 1, 2017

TAXATION

S.B. 17-112 Sales and use tax - dispute resolution - payment to the wrong local government. Current law provides a dispute resolution process if a taxpayer asserts that all or part of a sales or use tax owed has been paid to another local government. Current law grants the taxpayer a remedy by relieving the tax and interest due if the executive director of the department of revenue agrees with the taxpayer. A court case applied the statute of limitations to the current law, barring the applicability of the remedy for a taxpayer. This act specifies that any kind of statute of limitations cannot operate to bar the remedies set forth in the current law. The act denies this remedy to any taxpayer who received notice that the wrong local government was paid and who failed to comply with the requirements of the notice. The act specifies certain requirements for the notice.

APPROVED by Governor April 18, 2017

EFFECTIVE April 18, 2017

S.B. 17-139 Tobacco products - credit - out-of-state sales - extension. Until September 1, 2018, a distributor can claim a credit for taxes paid on tobacco products that are shipped or transported by the distributor to a consumer outside of the state. The act makes the credit permanent.

VETOED by Governor April 28, 2017

S.B. 17-299 Income tax - apportionment of corporate income - office of economic development - transition to different apportionment method if taxpayer enters into memorandum of understanding and makes certain capital investment. The act allows a taxpayer that makes a \$150 million capital investment in an enterprise data center operation in the state within a consecutive 5-year period to enter into a memorandum of understanding with the office of economic development to transition to a different apportionment method for apportioning the income of the taxpayer. The memorandum of understanding must describe the amount of the capital investment and any other investments or actions on the part of the taxpayer that will support the economic development of the state. The act specifies that a transition schedule must be included in the memorandum of understanding.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-302 Property tax - exemption - silvicultural equipment. Current law exempts "agricultural and livestock products" from the levy and collection of property tax and defines "agriculture", for purposes of applying the exemption, to include silviculture. Current law also exempts "agricultural equipment which is used on the farm or ranch in the production of agricultural products" from the levy and collection of property tax.

The act repeals the current exemption and instead clarifies that agricultural equipment includes silviculture personal property that is designed, adapted, and used for the planting, growing, maintenance, or harvesting of trees in a raw or unprocessed state.

The act applies to tax years beginning on or after January 1, 2017.

APPROVED by Governor June 2, 2017

EFFECTIVE June 2, 2017

H.B. 17-1002 Income tax - child care expenses - tax credit - extension. For the 3 income tax years prior to January 1, 2017, a residential individual who has a federal adjusted gross income of \$25,000 or less may claim a refundable state income tax credit for child care expenses. The act extends the tax credit for 3 income tax years, depending on the amount of the June 2017 revenue forecast of the general fund surplus. The credit is allowed for the 2018 and 2019 income tax years. If the general fund surplus is forecast to be at least \$2.9 million, then the tax credit is available for the 2017 income tax year and, if not, then it is available for the 2020 income tax year.

APPROVED by Governor June 2, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1019 Property tax - redemption - repayment of 3rd party software costs. When property taxes are delinquent, a county treasurer issues a tax certificate, which is a lien on the property. The property can be redeemed upon paying the delinquent taxes, interest, and specified publication, abstract, and search fees. In addition to these amounts, the act further requires the repayment of any amounts paid to 3rd parties for computer software costs incurred in connection with processing the redemption.

APPROVED by Governor March 8, 2017

EFFECTIVE March 8, 2017

H.B. 17-1049 Property tax - property tax abatement - refund interest. The act changes the date that refund interest accrues on a property tax abatement from the date the taxes were paid to the date a complete abatement petition is filed. The act also clarifies the date that a petition for abatement may be filed for property that is added to the assessment roll after being omitted therefrom.

APPROVED by Governor April 24, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1055 Income tax - return form - voluntary contribution program - Urban Peak Housing and Support Services for Youth Experiencing Homelessness fund - creation - queue - minimum contributions required - when - repeal. The act creates the Urban Peak Housing and Support Services for Youth Experiencing Homelessness fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering moneys designated for the fund. After that amount is deducted, the moneys remaining in the fund at the end of a fiscal year are transferred to Urban Peak, a nonprofit organization.

Following the statutory 2-year grace period for new tax check-offs, the fund is required to achieve the minimum contribution amount of \$50,000 per year to remain on the form.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1090 Income tax - advanced industry - equity investment - tax credit - appropriation. A qualified investor who, prior to January 1, 2018, makes an equity investment in a qualified small business from an advanced industry is allowed an income tax credit that is equal to a percentage of the investment, up to a maximum credit of \$50,000. The act extends the credit by allowing qualified investments made on or after January 1, 2018, but prior to January 1, 2023, to qualify for the tax credit. Beginning with the 2018 calendar year, if the office authorizes less than this amount in a year, then the remaining, unused credits are added to the next year's total maximum amount. In 2022, the office is required to submit to legislative committees a report that includes information about the tax credits issued after January 1, 2018, and the economic benefits from the related qualified investments.

The definition of "qualified small business" is expanded to include a company that has annual revenues of less than \$5 million or that has been actively operating and generating revenue for less than 5 years. Currently, a business must meet both criteria, in addition to other criteria that will continue to apply. In addition, the advanced industry investment tax credit cash fund, which was started with money transferred from another cash fund and has no current revenue source, is repealed.

\$23,062 is appropriated to the office of the governor for use by the office of economic development.

APPROVED by Governor June 6, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1103 Sales and use tax - exemptions - historic aircraft on loan for public display. The act creates a state sales and use tax exemption for a historic aircraft that is on loan for public display, demonstration, educational, or museum promotional purposes (public

display) in the state if:

- The historic aircraft is on loan for public display to a publicly owned or nonprofit museum in the state;
- The historic aircraft will be used only for public display while within the state but away from the museum to which the historic aircraft is on loan; and
- The museum to which the historic aircraft is on loan for public display is open to the public for at least 20 hours every week.

APPROVED by Governor April 4, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1104 Income earned for winning an olympic medal - exclusion from state taxable income. For the purpose of determining the state income tax liability of an individual, income earned as a direct result of winning a medal while competing for the United States of America at the olympic games is excluded from state taxable income; except that such income is not excluded:

- For a taxpayer whose federal adjusted gross income exceeds \$1,000,000 or, if the taxpayer's filing status is married filing separately, \$500,000; or
- If the income is already excluded from federal taxable income, and thus automatically excluded from the base amount from which state taxable income is calculated; except that the monetary value of a medal itself is excluded from state taxable income even if it has already been excluded from federal taxable income.

"Income earned as a direct result of winning a medal" is defined to include both the monetary value of the medal itself and any monetary award given for winning the medal from the United States olympic committee or any sport-specific national governing body or paralympic sport organization and to exclude endorsement income and nonmonetary benefits. "Olympic games" is defined to include the summer and winter olympic games and the summer and winter paralympic games.

APPROVED by Governor May 22, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1136 Department of revenue - when taxpayers must pay taxes via electronic funds transfer - consistent approach. Within the statutory title on taxation, some sections require a taxpayer to pay taxes via electronic funds transfer (EFT) while other sections allow a taxpayer to pay taxes via EFT. The same is true for electronic filing of returns. The inconsistent approach of requiring it in some cases and allowing it in others has created difficulty in administering the laws, particularly when the department of revenue tried by rule to provide a consistent exception in the form of an undue hardship waiver for EFT. The act changes the EFT and electronic filing requirements for consistency, specifying in all

cases that the department may require EFT and electronic filing and that the department may promulgate rules to implement EFT and electronic filing.

APPROVED by Governor March 23, 2017

EFFECTIVE March 23, 2017

H.B. 17-1203 Local government - county and municipal sales and use tax - special sales tax - retail marijuana - retail marijuana products. The act authorizes counties and statutory municipalities (municipalities) to levy, collect, and enforce a sales tax on retail marijuana and retail marijuana products in addition to any sales tax imposed by the state and the standard sales tax imposed by the county or municipality (special sales tax); except that a county may levy, collect, and enforce a special sales tax on retail marijuana and retail marijuana products only under the following circumstances:

- The county levies, collects, and enforces a special sales tax on all sales of retail marijuana and retail marijuana products in the unincorporated areas of the county;
- The county levies, collects, and enforces a special sales tax on all sales of retail marijuana and retail marijuana products in the municipalities within the county that do not levy a special sales tax on the sale of retail marijuana and retail marijuana products. The county special sales tax is authorized only until the municipality obtains voter approval for a special municipal tax on the sale of retail marijuana and retail marijuana products. After such time, any county special sales tax is invalid within the corporate boundaries of the municipality unless the county enters into an intergovernmental agreement with the municipality to allow the county to continue to levy, collect, and enforce the county's special sales tax.
- The governing body of any county and the governing body of any municipality within the boundaries of the county that levies a municipal special sales tax on the sale of retail marijuana and retail marijuana products enter into an intergovernmental agreement pertaining to the county's levy, collection, and enforcement of a special sales tax upon all sales of all retail marijuana and retail marijuana products. The intergovernmental agreement may include a provision for the apportionment of a specified percentage of the gross retail marijuana special sales tax revenue collected by the county to the municipality.

A county or a municipality may not levy a special sales tax until the proposed tax has been referred to and approved by the eligible electors of the county or municipality, as applicable. A county or municipality must refer the proposed tax to the eligible electors only on the date of the state general election, on the first Tuesday in November of an odd-numbered year, or, in the case of a municipality, on the date of a municipal biennial election.

If a county or municipality obtained voter approval prior to the effective date of the act to levy, collect, and enforce a special sales tax upon the sale of retail marijuana and retail marijuana products, the tax is valid; except that, for a county, the tax is valid only so long as the county complies with the conditions specified above. If the county levies, collects, and enforces such tax in a municipality that has already obtained voter approval to levy a special sales tax on the sale of retail marijuana and retail marijuana products, the county's special sales tax is invalid unless the county enters into an intergovernmental agreement with the

municipality.

Any special sales tax on retail marijuana and retail marijuana products is not collected, administered, or enforced by the department of revenue. Instead, such tax is collected, administered, and enforced by the county or municipality imposing the tax.

A county or municipality in which the eligible electors have approved a special sales tax on the sale of retail marijuana and retail marijuana products may credit the revenues collected from the tax to the general fund of the county or municipality or to any special fund created in the county or municipality's treasury. The governing body of a county or municipality may use the revenues collected from the tax for any purpose as determined by the governing body of the county or municipality.

APPROVED by Governor May 4, 2017

EFFECTIVE May 4, 2017

H.B. 17-1216 Sales and use tax - simplification task force - legislative members and state and local sales and use tax experts. The act creates the sales and use tax simplification task force (task force) which is made up of legislative members and state and local sales and use tax experts. The act requires the task force to study sales and use tax simplification between the state and local governments, and in particular between the state and home rule jurisdictions. The task force is:

- Authorized to seek, accept, and expend gifts, grants, or donations from private or public sources in order to meet its goals;
- Subject to sunset review in 3 years; and
- Required to make an annual report to the legislative council that may or may not include recommendations for legislation.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1222 Income tax - voluntary contribution program on tax return form - creation of family caregiver support fund - queue - minimum contributions required. The act creates the family caregiver support fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue (department) certifies to the revisor of statutes that:

- There is a space available on the form; and
- The fund is next in the queue.

Once the fund is placed on the form, the department is directed to determine annually the total amount contributed to the fund and report that amount to the state treasurer and the general assembly. The state treasurer is required to credit that amount to the fund, and the general assembly appropriates from the fund to the department the costs of administering moneys designated for the fund. After that amount is deducted, the moneys remaining in the fund at the end of a fiscal year are transferred to Easter Seals Colorado, a nonprofit organization.

Following the statutory 2-year grace period for new tax check-offs, the fund is

required to achieve the minimum contribution amount of \$50,000 per year to remain on the form.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1250 Income tax - return form - voluntary contributions - wildlife tax check-off - expansion of purpose - extension of sunset date - cash fund - creation - allocation of money contributed - wildlife rehabilitation grant program - authority and board created - procedures - appropriation. With respect to the nongame and endangered wildlife tax check-off, which was previously scheduled to sunset in 2018, the act:

- Expands and renames the check-off as the Colorado nongame conservation and wildlife restoration voluntary contribution program (check-off) for the purpose of benefiting all wildlife in Colorado;
- Extends the future repeal date of the check-off by 5 years;
- Specifies that the voluntary contribution moneys allocated to the division of parks and wildlife (division) in the department of natural resources (i.e., 90% of the first \$250,000 and 75% of the moneys over that initial \$250,000 in contributions per year) will continue to be used by the division for the protection and perpetuation of nongame and endangered wildlife;
- Provides that the remainder of the moneys received through the check-off (i.e., 10% of the first \$250,000 received and 25% of the moneys above \$250,000 contributed each year) will be used to make grants for wildlife rehabilitation in the state;
- For the facilitation of the wildlife rehabilitation grant program, creates the Colorado nongame conservation and wildlife restoration cash fund (fund) authority that is overseen by a 7-member board of directors (board);
- Describes the process by which the board makes recommendations to the division for authorizing grants to rehabilitators and requires the board to develop guidelines for processing and evaluating grant applications; and
- Specifies that the board is subject to open records and open meetings laws.

The act makes conforming amendments necessitated by the change of the name of the fund.

\$2,200 is appropriated from the fund to the department of revenue for the 2017-18 fiscal year to implement the act.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1349 Property tax - residential assessment rate. The act sets the ratio of valuation for assessment for residential real property at 7.2% for property tax years commencing on and after January 1, 2017, until the next property tax year that the general assembly adjusts

this ratio.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1356 Income tax - economic development commission - authority to allow certain economic development income tax credits to be transferable if taxpayer makes strategic capital investment in the state. The act allows the Colorado economic development commission to allow certain businesses that make a \$100 million strategic capital investment in the state, subject to a maximum amount, and subject to the requirements of the specified income tax credits, to treat any of the following income tax credits allowed to the business as either carry forwardable for a 5-year period or transferable:

- Colorado job growth incentive tax credit;
- Enterprise zone income tax credit for investment in certain property;
- Income tax credit for new enterprise zone business employees; and
- Enterprise zone income tax credit for expenditures for research and experimental activities.

APPROVED by Governor May 24, 2017

EFFECTIVE May 24, 2017

TRANSPORTATION

S.B. 17-34 County general fund transfers for disaster response and recovery - extension of period for which they are authorized. The act extends from 4 years to 8 years the period following the declaration by the governor of a disaster emergency in a county within which the board of county commissioners of the county may transfer county general fund money to the county road and bridge fund for the purposes of disaster response and recovery.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-153 Southwest chief and front range passenger rail commission - creation. The act replaces the existing southwest chief rail line economic development, rural tourism, and infrastructure repair and maintenance commission (old commission), the current statutory authorization for which expires on July 1, 2017, with an expanded southwest chief and front range passenger rail commission (new commission). The new commission must:

- Assume the old commission's powers and duties and its mission of preserving existing Amtrak southwest chief rail line service in the state, extending such service to Pueblo, and exploring the benefits of extending such service to Walsenburg; and
- Facilitate the future of front range passenger rail and specifically develop and present by December 1, 2017, to the local government committees of the house of representatives and the senate, draft legislation to facilitate the development of a front range passenger rail system that provides passenger rail service in and along the interstate 25 corridor.

APPROVED by Governor May 22, 2017

PORTIONS EFFECTIVE May 22, 2017

PORTIONS EFFECTIVE July 1, 2017

S.B. 17-231 Statutory reporting requirements - repeal or continuation of reports to the general assembly - reports from department of transportation. **Statutory Revision Committee.** Currently, the department of transportation is required to submit a number of reports, typically on an annual basis, to the general assembly or to specified legislative committees. The act repeals the department's obligation to prepare some of these reports and continues indefinitely the obligation to prepare one report. The repeal or continuation of each report is now consistent with the statutory requirements that reporting obligations expire on the day after the third anniversary of the first report unless specifically continued by the general assembly.

APPROVED by Governor April 28, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-243 Highway safety - driver education - motorcycle operator safety training program - continuation under sunset law - transfer of functions to state patrol. The act continues the motorcycle operator safety training program for 3 years, until 2020, and transfers the program from the office of transportation safety in the department of transportation to the office of the chief of the state patrol in the department of public safety, effective January 1, 2018.

APPROVED by Governor May 25, 2017

EFFECTIVE July 1, 2017

S.B. 17-278 Motor vehicles and traffic control - nuisance exhibition of motor vehicle exhaust - prohibition - penalty. The act prohibits engaging in a nuisance exhibition of motor vehicle exhaust, which is the act of knowingly blowing black smoke through one or more exhaust pipes attached to a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less in a manner that obstructs or obscures the view of another driver, a bicyclist, or a pedestrian. A person who violates the prohibition commits a class A traffic infraction, punishable by a fine of \$100.

APPROVED by Governor June 5, 2017

EFFECTIVE June 5, 2017

H.B. 17-1018 Regional transportation authority mill levies - authorization to seek voter approval to levy extended. The act extends the authority of a regional transportation authority to seek voter approval for a uniform mill levy of up to 5 mills on all taxable property within its territory, which had been scheduled to expire on January 1, 2019, until January 1, 2029.

APPROVED by Governor March 1, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

WATER AND IRRIGATION

S.B. 17-26 State engineer's office - fee adjustments - modernization of statutes concerning state engineer and division of water resources. The act restructures the fee that the state engineer may charge for rating certain types of water infrastructure from \$25 per day plus actual expenses incurred in determining the rating to a flat fee of \$75.

The act specifies the location of the state engineer's office as within the capitol complex, and permits the state engineer to use new technology that can accomplish the same functions as satellite or telemetry-based monitoring systems and is more cost-effective.

The act also repeals certain requirements as follows:

- The requirement that certain officials take an oath and post bond;
- Certain fee requirements; and
- The requirement that the state engineer survey, lay out, and locate a ditch or canal along the Arkansas river.

Additionally, the act increases the amount of time for filing comments on a substitute water supply plan from 30 days after the state engineer mails the notice to 35 days after mailing the notice.

Finally, the act updates language within the statutes related to the state engineer and the division of water resources.

APPROVED by Governor March 16, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-36 Groundwater commission - decisions appealed - limiting evidence that can be considered on appeal - allowing alternative dispute resolution. Under current law, the decisions or actions of the ground water commission (commission) or the state engineer regarding groundwater are appealed to a district court, and the evidence that the district court may consider is not limited to the evidence that was presented to the commission or state engineer. Therefore, unlike appeals from other state agencies' decisions or actions under the "State Administrative Procedure Act", a party appealing a decision or action of the commission or state engineer may present new evidence on appeal that was never considered by the commission or state engineer.

The act limits the evidence that a district court may consider, when reviewing a decision or action of the commission or state engineer on appeal, to the evidence presented to the commission or state engineer; wrongly excluded evidence; or newly discovered evidence that, through the exercise of good faith and reasonable diligence, could not have been offered at the administrative proceeding being appealed.

The act also authorizes the use of alternative dispute resolution in groundwater matters.

APPROVED by Governor April 18, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 17-117 Water rights - agricultural use decrees - use for growth or cultivation of industrial hemp allowed. In Colorado, water subject to a water right may be used for the purpose for which the water is decreed. The act confirms that a person with an absolute or conditional water right decreed for agricultural use may use the water subject to the water right for any product authorized for growth or cultivation in Colorado, including industrial hemp.

APPROVED by Governor May 21, 2017

EFFECTIVE May 21, 2017

H.B. 17-1030 Irrigation districts - 1921 law - updates. The act amends the 1921 irrigation district law to:

- Remove inconsistencies and update antiquated provisions;
- Clarify the definition of landowners entitled to receive water, vote in district elections, and serve on the board of directors;
- Update dollar figures and, in subsequent years, adjust for inflation;
- Define "agricultural land";
- Update election procedures;
- Modify the roles of the applicable county treasurer and the district treasurer;
- Clarify how irrigation district assessments are collected and held; and
- Modernize procedures for selling surplus property.

The act also clarifies that water acquired in excess of an irrigation district's own needs can be leased for all beneficial purposes permitted by decree or applicable law, rather than only for domestic, agricultural, and power and mechanical purposes, and that the provisions of the 1921 irrigation district law are in addition to powers conferred on irrigation districts in other statutes.

APPROVED by Governor March 8, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1076 State engineer - rule-making for nontributary groundwater aquifers. Currently, the state engineer must promulgate rules for the permitting and use of waters artificially recharged into 4 named aquifers. The act adds the requirement that the state engineer also promulgate rules for the permitting and use of waters artificially recharged into

nontributary groundwater aquifers. The rules must be promulgated on or before July 1, 2018.

APPROVED by Governor March 30, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1190 Water rights - beneficial use - *St. Jude's Co.* case - limitation on applicability to absolute and conditional decrees. The act provides that the decision in *St. Jude's Co. v. Roaring Fork Club, LLC*, 351 P.3d 442 (Colo. 2015), interpreting the definition of "beneficial use", does not apply to absolute and conditional water rights for which a decree was entered as of July 15, 2015. Water rights that would otherwise be subject to the *St. Jude's Co.* decision may only be changed with respect to a change in point of diversion and in accordance with statutory requirements for changes in point of diversion.

APPROVED by Governor May 25, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1219 Colorado water conservation board - fallowing and leasing pilot program - extended number and duration of projects. The Colorado water conservation board (board) administers a pilot program to demonstrate the practice of fallowing agricultural irrigation land and leasing the associated water rights for temporary municipal, agricultural, environmental, industrial, or recreational use. Under the current pilot program, the board, in consultation with the state engineer, may authorize up to 10 pilot projects, each of a duration up to 10 years. Of the 10 pilot projects that the board may authorize, no more than 3 pilot projects may be located in any one of the following major river basins: The South Platte river basin; the Arkansas river basin; the Rio Grande river basin; and the Colorado river basin. An applicant must apply on or before December 31, 2018, to sponsor a pilot project. The pilot program is scheduled to be completed in 2029, at which time the board, in consultation with the state engineer, is required to provide a final report to the water resources review committee, or its successor committee, on the results of the pilot projects authorized.

The act extends the board's fallowing and leasing pilot program as follows:

- The board, in consultation with the state engineer, may authorize up to 15 pilot projects;
- No more than 5 pilot projects may be located in any one of the 4 major river basins listed above;
- An applicant must apply on or before December 31, 2023, to sponsor a pilot project; and
- The pilot program would be completed in 2034, at which time the board, in consultation with the state engineer, would provide a final report to the water

resources review committee or its successor committee.

APPROVED by Governor May 3, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 17-1233 Changes of water right - historical consumptive use analysis - exclude conservation program participation. When a water right owner wishes to change a water right, the amount of water that can be changed is limited to the historical consumptive use of the water right. Current law provides that the reduced water usage that results from participation in a government-sponsored water conservation program will not be considered in analyzing the historical consumptive use of the water right, but only in water divisions 4, 5, or 6. The act expands the application of this rule to water division 1, 2, and 3; includes water conservation pilot programs; and limits state agencies that can approve a water conservation program to only those that have explicit statutory jurisdiction over water conservation or water rights.

APPROVED by Governor May 3, 2017

EFFECTIVE May 3, 2017

H.B. 17-1248 Colorado water conservation board - construction fund - appropriations - transfers - Windy Gap firming project - state water plan. The act appropriates the following amounts from the Colorado water conservation board (CWCB) construction fund (fund) to the CWCB or the division of water resources for the following projects:

- \$380,000 for continuation of the satellite monitoring system maintenance;
- \$500,000 for continuation of the Colorado floodplain map modernization program;
- \$200,000 for continuation of the Colorado decision support system operation and maintenance;
- \$175,000 for continuation of the weather modification program;
- \$154,000 for the support of the Colorado Mesonet, a spatially coherent network of weather stations reporting in near real-time via major data portals;
- \$800,000 for continuation of the water forecasting partnership project;
- \$1,000,000 for continuation of the alternative agricultural transfer methods grant program;
- \$500,000 for continuation of technical assistance for the federal irrigation improvement cost-sharing program;
- \$1,100,000 for implementation of the Colorado water loss control initiative;
- \$325,000 to award grants for projects in response to damaging high groundwater levels in areas of the South Platte river basin;
- \$10,000,000 for continuation of the Rio Grande cooperative project;
- \$5,000,000 for continuation of the watershed restoration program; and
- \$10,000,000 for implementation of the Colorado water plan.

\$260,000 is appropriated from the public and private utilities sector fund to the water quality control division in the Colorado department of public health and environment for updating regulations related to nonpotable water reuse and graywater usage.

The act authorizes the CWCB to make loans in the amount of up to \$90,000,000 from the fund for the Windy Gap firming project.

The act directs the state treasurer to transfer the following amounts from the fund:

- Up to \$500,000 to the flood and drought response fund;
- \$1,300,000 to the litigation fund;
- \$300,000 to the feasibility study small grant fund;
- \$1,500,000 to the fish and wildlife resources fund;
- \$260,000 to the public and private utilities sector fund.

The act transfers the following amounts from the severance tax perpetual base fund to the fund:

- On July 1, 2017, \$10,000,000 for the Rio Grande cooperative project;
- On July 1, 2017, \$5,000,000 for the watershed restoration program;
- On July 1, 2017, and each July 1 thereafter, \$10,000,000 for implementation of the state water plan; and
- On July 1, 2017, \$10,000,000 to supplement the water supply reserve fund.

On July 1, 2017, \$30,000,000 is transferred from the severance tax perpetual base fund to the loan guarantee fund for use by the CWCB for the purpose of guaranteeing the repayment of loans for water projects with multiple participants; except that, if, on or before June 30, 2017, the CWCB informs the state treasurer that an amount less than \$30,000,000 should be transferred from the severance tax perpetual base fund to the loan guarantee fund, the state treasurer is required to transfer that lesser amount on July 1, 2017.

APPROVED by Governor May 23, 2017

EFFECTIVE May 23, 2017

H.B. 17-1289 Water resources review committee - historical consumptive use - 2017 interim study. When a water right owner wishes to change a water right—whether a temporary loan or change approved by the state engineer or a permanent change approved by a water judge—the determination of the amount of water that can be loaned or changed relies on a calculation of the historical consumptive use of the water right. The act directs the water resources review committee to study the issue of whether the state engineer should promulgate rules that adopt a nonbinding, streamlined methodology for determining factors and using other assumptions for calculating the historical consumptive use of a water right.

APPROVED by Governor May 22, 2017

EFFECTIVE May 22, 2017

H.B. 17-1291 Storage decree - alternate place of storage - not a change of water right. Current law allows water to be stored only at a location that has been specifically identified in a decree. The act allows a water right for which the historical consumptive use was previously quantified to be stored in any reservoir, without the necessity of adjudicating an additional change of water right, if:

- The water will be diverted from a point of diversion that has already been decreed for that water right and the alternate place of storage is located on the same ditch or reservoir system;

- Previous notice is given to the division engineer;
- Transit and ditch losses are assessed from the decreed point of diversion to the alternate place of storage;
- The division engineer approves the proposed accounting of the storage; and
- The water was not imported from another water division.

APPROVED by Governor June 5, 2017

EFFECTIVE August 9, 2017

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CONCURRENT RESOLUTIONS

S.C.R. 17-001 General assembly - age qualification for members - reduce from 25 to 21.
The concurrent resolution amends the Colorado constitution to reduce the age qualification for a member of the general assembly from 25 to 21.

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